

Vera Effigies Richardi Brownlowe Armigeri, Capitalis Protonotarij in Guria de Banco.

To Confessate



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DECLARATIONS AND CAMP PLEADINGS IN ENGLISH:

Being the most authentique Forme of Proceeding in Courts of LAW; In Actions Reall, Personall, and Mixt; Usefull for all Practicers and Studients of the LAW, of what degree soever.

Collected by RICHARD BROWNLOW Esq; Late Prothonotary of the Court of COMMON PLEAS.

WHERETO ARE ADDED CHOICE PREfidents in the Upper Bench, by some others of good Note.

Published in Order to the Act of Parliament, and for the good of the COMMON-WEALTH.

With an exact Table, wherein may be found the Principall matters contained in this Book.

LONDON,

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READER.



Mongst those many Books of Law which these happy times of Reformation have beld forth to publick view, in order to the decrees of the supream Authority (whose commendable Providence is in nothing more conspicuous, then in teaching us the Rules of manners in our Mothers words, to the end offences should be the lesse excusable, and Judgment made.

appeare more just) I found none whereby a generall satisfaction was given concerning the Proceedings, by which each mans Right was brought into Descisive Doome: And upon a serious peruseall, sinding these ensuing Presidents, formally exact and very usefull for that purpose, as being the quintesence extracted from those vast and unwealdy Volumes, which as now for the most part are rendred useless, by reason as well of their obscurity, being writ in an unknown Tongue, as of the proscription of many Titles now Exploded; I found my selfe obliged in point of Honour to that curious hand, which by a happy proportion gave them being, (had not my zeale to common good, imported a sufficiency) to shew them light; where now they stand (Ad captum lectoris) liable to variety of Censure, against which to oppose any thing besides themselves, the Author, and their Use, were to redargue with impertinencies, a shift seldome or never used, but when the Matter it selfe is guilty of

To the Reader.

nothing of interpretation in 18) trained and trained in which effects of that have which cannot ence and discrete it with interpretations; yet this important address to make the important of Leaders of that a lower to make the interpretation of Leaders of Perfect, at anything of this nature bitherto extant, wherefore as ambitious of its own Praise; I shall send thee to the matter, it selfe, which consisting all of Form, must needs have beauty enough to Court thy Commendations.

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pose recommendate prince edings, be restrible to a man. Richerman and a present prince of the property of and a period constant of the property of the propert

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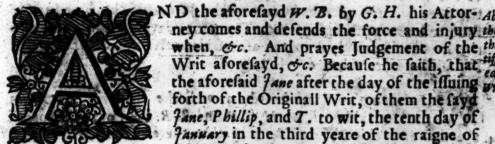
ECLARATIONS

PLEADINGS,

INTHE

pper Bench and Common Pleas.

Abatement.



ND the aforefayd W. B. by G. H. his Attor- Abatement of ney comes and defends the force and injury the writ, for when, &c. And prayes Judgement of the that the Plain-Writ aforesayd, &c. Because he saith, that ed after the the aforesaid Jane after the day of the issuing witt purchased, forth of the Originall Writ, of them the faye Fane, Phillip, and T. to wit, the tenth day of

our Lady the Queen at W. in the County of Cheffer, took to Husband one Lawrence Smith Knight, which fayd Lawrence as vet remaines, and is in perfect life, to wit, at W. aforefand : And this he is ready to averr, whereby he prayes Judgement of the Writ aforesayd, &c.

HE Jury of four and twenty Knights of the Vilenage of T. Attaint. Came to recognize, whether the Juross by whom a certain Inquifition, which was farely summoned in the Court of our Lord the King before his Justices here, by the Writ of our Lord the King, between A. Plaintiff and w. Defen ant, of a certain Frespalle, &c. As it was faid, made a falle oath, as the faid . to our Lordthe King greatly complaining, hath shewed, or not : And now came

as well the aforesaid A. by B. his Attorney, as the aforesaid w. by F. his Actorney, and A. B. and others, Go. The twelve lurors of the same first Inquisition in their proper Persons likewise came, and upon this as well the same W. as the aforefald rwelve Jurors of the fame first Inquisition, pray hearing of the aforesaid Writ of Attaint: And it is read unto them, &c. They also pray hearing of the Record upon which the faid Writ issued forth, And it is read to them in these words . Plead, &c. Pembrook, &c. Which being read and heard as well the aforefaid: Was the aforefaid twelve Jarois of the first Inquificion aforesaid, pray that the aforesaid A. may affign his

falle Oath, if there be any, co.

And the aforesaid A. faith, That the aforesaid twelve Iurors of the first Inquisition aforesaid, made a false Oath in all things, which against him the faid A they have said And this he is ready to verify by the aforefaid Jury of four and twenty Knights, Gr. And as well the aforesaid w. as the aforesaid twelve Jurors of the first Inquifition aforesaid say, That the same twelve Jurors of the first Inquifition aforesaid, have made a good and lawful Oath in all things which of A. they have faid; And of this they put themselves upon the Jury of the four and twenty Knights aforesaid: And the aforefaid A. in like manner; Therefore the same Jury of the four and twenty Knights thereupon between them is to be taken, &c. But the same Jury remaines to be taken untill, &c. For want of Jurors of the same twenty four Knights, because none came: Therefore the Sheriff is to have the bodies of the Jurors of the lame Jury of four and twenty Knights, &c. The same day is given as well to the Parties aforesaid, as to the aforesaid twelve Jucors of the first Inquisition aforesaid, &c.

Affignment of a false Oath in Attaint. Ret. 60.

Which being read and heard, as well the aforefait R. M. as the aforesaid N. R.W. H. J. S. and R. R. Four of the Jurors of Pasch. 6 E. 4. the first Inquisition aforesaid, pray that the aforesaid H. G. now Plaintiff, may affign his falle Oath if there be any, &c. And the aforefaid H. G. now Plainciff, faith, That the aforefaid twelve Jurors of the first Inquisition, have made a false Oath in all things. which against him the said H. of the Premises they have formerly spoke: And this he is ready to aver by the aforesaid Jury of four and tweenty Knights, &c. And as well the aforesaid R. M. as the aforelayd N. R. W. H. I. S. and R. R. four of the Jurors of the first Inquisition aforsayd, say that the same four Jurors of the same first Inquisition, and the aforesayd eight Jurors residue of the same first Inquisition, have made a good and lawfull Oath, in all things, which against the aforesayd H. G. now Plaintiff, formerly of the premifes they have fayd: And upon this they put themselves upon the aforelayd Jury of four and twenty Knights: And the aforelayd H.G.

now Plaintiff, in like manner, che. Therefore the fame Jury of four and twenty Knights between them, is to be taken, &c. But the fame Inry remaines to be taken before our Lord the King, untill the mornow after Saint John Buptift, wherefoever, &c. For want of the fame Turn of twenty four Knights, because none came, &c. Therefore the Sheriff is to dift aine the Jurors of the fame Jury of twenty foure Knights: And he is to appoint ten fuch, &c. The same day is given as well to the parties aforefayd, as to the aforefayd 2V. R. W. H. I.S. and R. R. four of the Jurors of the first Inquisition aforesayd, &c. At which fayd morrow before the Lord the King at VVestminster. came, as well the parties aforefayd by their Attorneys aforefayd, as the aforefayd four Jurors of the first Inquisition aforesayd before appearing in their proper persons: And the Sheriff now returneth, that as to the diffraining of VV. C. Knight, and others in the Writ of our Lord the King, named to him thereupon directed. That the favd Writ was so late delivered unto him, that for the shortnesse of the time in that behalfe, he could not execute it : And the same Sheriff also returnes a certaine Pannell of the names of ten fuch Jurors to the fayd Writ annexed: And upon this the Jury of twenty four Knights aforefayd, remaines further to be taken before our Lord the King, untill fifteen daves after Saint Michaell, wheresoever, &c. unlesse the Tuffices of our Lord the King, at the Affiles in the County aforelayd. to be held, assigned first on Thursday next after the Feast of Saint 7. the Apostle, at A, in the County aforesayd, by forme of the Statute aforefayd, hall come for default of Jurors of the same Jury of twenty four Knights, because none came; therefore the Sheriff, as formerly is to distraine the Jurors of the same Jury of twenty foure Knights, the same day; is given as well to the parties aforesayd, as to the aforelayd four Jurors of the first Inquisition aforelayd now appearing: And it is to be known, that the Writ of our Lord the King thereupon, e.c. At which fayd fifteen dayes before our Lord the King at VVestminster, came as well the aforesayd H. G. of R. Gentleman, as the aforefayd R.M. by their Attorneys aforefayd : And the aforefayd Justices of our Lord the King at the Affizes, before whom, &c. Have fent hither, their Record in these words,

Afterwards the day and place within contained, before P. A. Knight The returne of and T. B. Justices of our Lord the King, at the Affizes in the Coun- the Record. ty of W. affigned to take, by forme of the Statute, &c. Came as well the within named H. G. of R. Gentleman, as the within written R. M. by their Attorneys within specified, and the within named N. R. W. H. I. S. and R. R. four of the Jurers of the first Inquilition within specified, in their proper persons likewise came : And up- The Verdict in on this the Jury of the twenty four Knights, whereof within mention the Attaint. is made; being called, in like manner came, who to speak unto the truth of the within contained, being chosen, tryed, and Sworne, lay

npon their Oath. that the within written twelve Jurots of the first longifition aforefayd, have made a falle Oath in all things, which a-

Judegment for the Plaintiff in Attaint.

Pardon pleaded by some of the petty Jury.

painft the aforefavd H. G. of the within contained they have formerly fayd, as the aforefayd H. G. hath within alleadged : Upon which the aforefavd H. G. prayes that it may be inquired by the aforefaud Tury of twenty four Knights, as well of the damages which the fame H. by occasion of the falle Oath aforefayd, hath sustained, as of the Cofts and Charges by him about his Suit in this behalfe expended. de. And because the Justices here will advise themselves before they further proceed to that Inquifition: It is Ordered by the favd Justices to the favd H G. that he keep his day within specified, given to him before the Lord our King, &c. wherefoever, &c. Of hearing their judgment of the premises, &c. Therefore it is considered of, that the aforelayd H. G. of R. Gentleman shall have again the two hundred and ten Marks for damages by the aforefayd Jury of the first Inquisition aforelayd, above taxed, if the execution thereof against him the favd H. were had : And that he the fayd H. G. to all things, which by occasion of the false Oath aforesayd he hath loft, be restored, and that the aforefayd twelve Jurors of the first Inquisition aforefayd shall not from henceforth be brought upon any testimony of truth: and from hence doe loofe for ever the free Law : And that they forfeit to the Lord the King, all their Goods and Chattels, and their Lands and Tenements be taken into the Kings hands, and be wasted and Excirpated, and that their Wives and Children be therefrom amoved : And that as well the same Jurors of the first Inquisition aforelayd, as the layd R. M. be taken, &c. Afterwards, to wit, from the day of Eafter in three weeks, in the seventh year of our Lord the King, before the King at VVestminfter came the aforefayd W. H. R. F. and R. D. in their proper persons, and rendred themselves to the Prison of the Marshalleys of the King before the King, by reason of the Judgment aforelayd against them upon the premises rendred, who are committed to the Marshall, &c. And presently they say severally That the Lord the King that now is, of his especiall grace, and of his certain knowledge, and of his own meer motion, and for certain confiderations, him the fayd King especially moving, by his severall Letters Patents, hath pardoned, remised, and released to the aforesayd W. H. R. F. and R. D. and to every of them, by what names foever they are censured, all Forseitures, Fines, Redemptions, Amerciaments, Destructions, as also all forseitures of Goods and Chattels; Lands and Tenements, Imprisonment of their bodies, and the Isfnes and profits of the fayd Lands and Tenements, as also all Wasts or Exsirpations of the fame Lands and Tenements, which to the fame King by reason of the sudgment aforesayd, or of any other sudgment, or of any other Judgments, doth or might pertaine, or whatfoever forfeiture, Fines, Redemptions, Amerciaments, Losses, as also Forfeitures

of Goods and Chattels, and the Walts and Extirpaments, or Extirpations of Lands and Tenements, and Imprisonments of bodies, which they owe or ought to loofe or incur by occasion of the indement aforefayd, or of any other judgement, or by any other occasion whatfoever, and all other Actions, Executions, Impeachments, and Demands, which against them, or any of them, he had or might have by these Actions or any of them, and all and every the thing which to him the King, against them the layd W. F. R. F. and R. D. or any of them, doth or might pertaine, by occasion of the favd Judgment, or of any other: And moreover he wils and grants to them the fayd W. F. R. F. and R. D. that they and every of them, to the free Law, as also unto testimony of the truth, and unto all other things which they or any of them by occasion of the fayd judgment have loft, they be, and every of them for the future be restored and invested: And that they have, injoy, and use, all and singular those things from thence for ever, notwithstanding the fayd judgments or any of them : And the aforelayd W. brings here into Court his Letters Patents, the aforelayd premises testifying, which follow in thefe words.

Edward by the Grace of God, &c. And in like manner the aforefayd R. F. brings into Court, &c. And in like manner the aforefayd R. D. brings, &c. By virtue of which Letters Parents of our Lord the King aforefayd, to them the aforefayd VV. H. R.F. and R. D. feverally in forme aforefayd made: They the fayd VV. H. R. F. and R. D. pray severally, that they from the Prison wherein they have been detained, by occasion of the fayd judgment, may be delivered, &c. and that they of the premises by the Court here may be dismissed, &c. Upon which, being seen the premises, It is considered that the Letters Parents of our Lord the King aforefayd, to the fayd VV. H. R. F. and R. D. be severally allowed, and that they from thence go without day, &c.

T B. Lately of C. in the County of L O herwise called T. B. of L. LoClark, Prebend of the Prebendary of A in the Cathedrall Church Awrit of Asof L. was summoned to answer E. H. Gentleman, otherwise cal- nuity brought led E. H. Scholler in Peterhowse, within the University of Cambridge, against a Preof a Pleathat he render I im twelve Pound and ten Shillings, which are in arreare unto him of the annual Rent of one hundred Skillings which he owes him, &c. And whereupon the faid E. by m. 7. his Attorney faies, That where as one Allen Langdale Clark, lately Prebend of the Prebendary of Aldernes in the Cathedrall Church of L. Predecessor of the aforelaid T. B. at H. by his certain writing, bearing date the twentieth day of I. in the tenth yeare of the Queens reign, and delivered to the faid E. the thirtieth day of the faid month of I. which the faid E. with the Seale of the aforefaid A. figned home

in Court, produceth by the name of A. L. Clark Doctor of Divis er Prebend of the Prebendary of Aldernes, in the Cathedrall Church of Linthe County of Stafford, for divers good and valuable Confiderations, him efoccially moving, had given granted, and by the fame writing did give and grant for him and his Successors to the faid Edward, by slie name of E. H. Scholler, and the annuall Rent aforehid by the name of a certain annuity or annual rent of five Pounds. of good and lawfull Mony of England, iffuing out of all and fingular the Mannors, Messuages, Lands, Tenements, and Hereditaments belonging, or in any manner pertaining to the Prebend aforefaid, or being Pare, Parcell, or Member, of the faid Prebendary . To have, perceive, and injoy, the aforelaid annuities or annuall rent of one hundred Shillings, to him the faid E. and his Affigns, for and during the naturall life of him the faid E. to be paid yearely at the Fontstone in the Cathedrall Church of Saint Paul in the City of London, at two Termes of the yeare, by equal portions, that is to lay, one the feventh of A, and the twelfth of O. between the hours of one and three in the afternoon, of each of the faid feverall daies of A. and O. the first payment thereof to begin the twelfth of O. then next following, the dare of the faid writing: And if it should happen the aforefaid annuity or annuall rent of five Pounds, or any part or parcell thereof to be behind or unpaid at any of the daies aforefaid in which irought to be paid, the aforefaid A. did further grant for himselfe and his Successors, that it might be lawfull to him the faid E: and his Affigns, from time to time, during the life of him the faid E: to enter into all and fingular the aforesaid Mannors. Messuages, Lands, Tenements, and Hereditaments: And there from time to sime to diffrain for all and fingular the Arrerages of the fame annuity or annual rent, and the diffresses there from time to time taken, to lead and drive away, and them to retain in his hands untill the same E. or his Assigns should be fully satisfyed, content. and paid, of all and fingular the Arrerages of the aforesaid annuity A Proviso that or annualt Rent, provided that if the faid E. should at any time from hence be preferred or promoted unto any lively-hood or prethe Grant to be ferment, for and during the life of him the faid E. of the cleer yearely value of ten Pounds and more of good and lawfull mony of England by the aforefaid . or by the most reverend Father in God R. B. then by divine permission Bishop of C. and L. or by the Successors of the said reverend Father, that then and from thenceforth the aforesaid Grant should be void and of none effect, and the payment of the aforefaid annuity or annual Rent, should cease and determine, as in the aforefaid Writing more fully is contained.

Which faid Gift or Grant of the faid annual Rent or annuity, all and fingular the things in the faid Writing, contained and specifyed the aforesaid R. Then Bishop of C. and L. and the crue and

undoubted

if the Grantee be preferred, voyd.

undoubted Patron of the faid Prebendary at H. aforefaid, by his confirmation of certain writing of Confirmation, bearing date the two and twenti-the Grant by eth of I. In the yeare of our Lord God one thousand five hundred the Billion. fifthty and eight, and delivered to the faid E. the last day of I. which the faid E. with the Seale of the aforefaid Bishop figned, he in like manner, produces in Court, did accept, approve, ratify, and by his pontificall Authority ordain, and as much as in the faid Bifton was. did confirme as in the faid Writing of the aforefaid Bifhon more fully appeares: Which faid Gift and Grant of the storefaid annuity or annuall Rent, and all and fineular in the aforefaid Writing of the aforesaid . Contained and specifyed I. N. Clark, at confirmation of that time Dean of the aforesaid Cathedrall Church of L: and the the Grant by Chapter of the same place afterwards, that is to say, the thirtieth of the Drane and Feburary in the years of our Lord one thousand five hundred fifty Chapter. eight aforesaid, by their certain writing of Confirmation, which the faid & with the common Seale of them the faid Dean and Chanter, figned in like manner, here produces in Court, the date whereof is at L, aforesaid in the Chapter-house, of them the said Dean and Chapter, the same third of Feburary, in the yeare of our Lord one thousand five hundred fifty eight aforesaid, as much as to the faid Dean and Chapter belongeth: They accepted approved and ratifyed, and by the Tenor of the same Writing, of them the faid Dean and Chapter, by their Chapter power, they confirmed as in the fame Writing, of them the faid Dean and Chapter, more fully is contained: And afterwards the aforefaid A: from the Prebendary aforesaid, for certain Causes was lawfully deprived, after whole faid deprivation, one T: B: Bishop of C. and L: the afore- Deprivation of faid Prebendary conferred, on T. B: and caused him to be institu- the Prebend. ted inducted and put into Corporall Possession of the same Prebendary: And further the faid E. faith. That he hitherto is not. nor hath been preferred or promoted to any Lively-hood or Prefer. The Grantee ment, for and during the life of him the faid E: of the cleer yearely not preferred. value of ten Pounds and more, of good and lawfull mony of England; by the aforesaid A: or by the aforesaid late B: of C. and L. or by the now Bishop: And the said E: further saith. That he by virtue of the faid Gift and Grant of the aforesaid A: and by virtue of the aforesaid severall Confirmations, of the aforesaid Bishop and Dean and Chapter, was seized of the said annuals Rent in his Demesne as of free-hold, untill the seventh of Aprill in the fourth yeare of the Queen, that the aforesaid T: B: the said annual Rent aforefaid, from him the faid E: hath withdrawn, and to render it unto him hath refused, and yet refuseth, whereby he faith, he is damnifyed and hath dammage to the value of forty Pounds: And thereupon he brings his Action.

And the aforefayd T. B. by E. C. his Attorney, comes and defends A Traverse that the Grantor was not at the time of the Grant Prebend.

Issue taken upon the Traverse.

fends the force and injury when, oc. and faith. That the aforefayd B. H. ought not to have his aforefavd Action against him, because (by protestation he acknowledges no such severall Confirmations by the aforelayd late Bishop, and the aforelayd Dean and Chapter made, as the aforefavd E. by his Declaration above hath supposed to be made) for Plea he faith. That after the Grant of the yearly rent aforesayd, by the aforesayd A. to the aforesayd E. H. in form aforefavd fupposed to be made: and after the aforesavd Confirmation by the aforesayd late Bishop, in form aforesayd, supposed to be made in like manner, to wit, the third of February in the first yeare of the Queen, and the aforelayd late Bishop conferred the Prebendary afore-into corporall possession of the fayd Prebendary, without that that theaforefayd A. was Prebend of the Prebendary aforefayd, at the time of the making of the favd Grant, as the aforefavd E. H. by his Declaration aforesayd, hath above supposed: And this he is ready to aver, whereupon he prays judgment, whether the aforelayd E. ought to have his Action against him, &c.

And the aforefayd E. fays, That he any thing before alleadged (by) ought not to be debarred from having his Action aforefayd, because he fayth that the aforefayd A. was Prebend of the Prebendary aforefayd at the time of the Grant aforefayd made, as he by his Declaration aforefayd above hath alleadged: And this he prays may be inquired of by the Countrey: And the aforefayd T. B. in like manner; therefore command is given to the Sheriff, that hee Cause to come. & c.

An Action of Debt brought by an Executor for an Annuity granted to his Testator.

T. lately of N. in the County of H. Efg; was summoned to Is answer Thomas Mallet, and Izabell his Wife, Executrix of the Testament of Y. R. Gentleman, Servant of H. D. Knight, Lord D. otherwife called coc. of a Plea that he render to them eight pounds which he unjustly detaines from them : And whereupon the layd T.M. and 1. his Wite, by 7. T. their Attorney fay, That whereas one H. D! Lord D. (fuch a day and yeare) at T. by his certaine Writing; which they the fayd T. M. and I. with the Seal of him the fayd H. figned, the date where of here produceth in Court is the faid day and yeare, oc. Did give and grant to the aforefaid T: R: in his life time, by the name of his welbeloved and faithfull Servant T: R: Gentleman, for his good service before that time done, a certain annuity or annuall Rent of eight Pounds, issuing out of his Mannor of T: with the Appurtenances in the County of C: to have and receive the aforefaid annuity or annuall Rent of eight Pounds, to him the faid TiR: and his Affigns, for the Terme of life, at the fourprincipall Termes of the years, that is to fay, at the feafts of the birth of our Lord; the Annunciation of the bleffed Virgin Mary, The Nativity of Szint John Baptist, and Saint Michael the Archangeli, iends!

And by equal portion to be paid and if it flood happen therefore faid annual Rent of eight Pounds, to be behinde in part or in whole is by one Month next after any Feast of the Feasts aforesaid, wherein as aforefaid it ought to be paid, and unpaid, that then it hould be lawful for the faid T. R. and his Affigns into the aforfaid Mannor to and into all his Lands and Tenements, with the Appurtenances in T aforelaid to enter and diffrain, and the diffrestes for there taken lawfully to drive and carry away, and retain in their hands mutill the aforesaid T. R. or his Assigns, of the aforesaid annuity or annual Rent of eight Pounds fo behinde in arreare, together with the Arrerages of the fame if any fuch fhould be, fully fatisfyed and paid : Of which faid Annuity or annual Rent of eight Pounds in forme aforefaid to be received, the aforefaid H. D. did put the aforefaid T. R. into ful Possession by the payment of twelve pence Sterking. which to him the faid T. upon the making and fealing of the aforefaid Writing, he did deliver in part of payment, of the same Annuity or annual Rent as by the faid Writing may more fully appeare: By virtue of which faid Gift and Genne, the aforefaid T. R. was of the Annuity or annual Rent aforefaid, ferzed in his Demeine as of freehold, after which the aforefaid H. of the Mannor aforefaid, with the Appurtenances, did Enfeoff one 7. T. Efq: Father of the aforesaid G. whose Heire the said G. is. To have to the aforesaid 7. T. and his Heires for ever, by virtue of which Feoffment, the faid ?. was of the Mannor aforelaid with the Appurtenances leized in his Demeine as of fee, and being fo feized, he the faid 7: of fuch his Effaces of o and in the Mannor aforefaid, with the Appurtenances, dved feized : After whose death the same Mannor, with the Appurtenances descended to the aforefayd G. as Sonn and Heire of the aforefaid 7. T. By which the aforefaid G: into the Mannor aforefaid, with the Appurtenances did enter and was and vet is thereof feized in his Demeline as of Fee; and being so thereof seized, the afbrefaid Take afterwards, to witt, the twelfth day of colar G. in the County aforefaid, in like manner dyed . And the aforefaid eight Pounds of the Arrerages of the Annuity or annual Rent aforefaid for one whole verre ending at the Feast of Saint Michaell the Arch-Angel next before the f id twelfth day of Ge, to the aforelaid T. Rain his life time. were behinde unpaid, and the faid T.M. and I fay, That at the Parliament of Hen. 8. begun and held at Westminster the twelfth day of Aprill, in the one and thirtieth years of his Raign, and there held and continued by divers Prorogations untill the foure and wentieth day of July, in the two and thirtieth years of his Raign, for that by the rule of common Law! Executors or Administrators of Tenants in Fee-limple. Tenants in Fee-tail, and Tenants for terme of life, for their Rent fervices, Rent charges, Rent feckes, and fee Farmes, had no remedy to receive fuch Arrerages of the aforefaid Rems, or Fee-Farmes

Amuity.

orwarders to their Toffstors in their life times, neither whilften of the Toffstow. Boy any perion having the reversionor bis delicated could after his decease distrain, or have any legal Action to designary such Arrerages of Rents for Fee-Farmes to the Testator due in M. life time by reason whereof, the Tenants of the Demeines of fuch bands. Tenements, or Hereditaments, out of which such Rents were due and payable, which of right ought to pay their Rents and Harmes at faith dajes and Tennes, at which fuch Arrerages in their proper hands were due, fo that the Executors or Administrators of fach Berfons, unto whom fuch Rents and Fee-Farmes were due, could not beve or obtain such Arrerages of them, towards the payment of the Debts and performance of the Will of fuch Tellator : For remedie whereof among frother things, it was established ordained. and enacted by authority of the faid Parliament, that the Executors and Administrators of every such Person or Persons, unto whom any fach Reats or Fee Farmen, that then were or thould be due, and unpaid at the time of their death, should and might have Action of Debit forwall luch Amenages, against the Tenant or Tenants, which ought to have paid the faid Rents of Fee-Farmes for being in Arrease, in the life time of the Testator, or against the Executors or Administrators of such Teaunts; And in like manner, it was further enacted by authority aforefaid that if any Person or Persons, which then hadior thereafter hould have any Rent of Fee-Farmes; for purpos life orlines, of any Remonior Berlons, and the faid Rent of Fee Birmes which then were or thence forth frould be due behinde and unpaid in the life of fuch Perfon or Perfons, by whose life or lives, the flate of the faid Rent or fee Farmes did depend or contime and afrer fuch Berfoul or Perfons dyed, then he to whom fuch Rent or Ber Farmes were due in forme a orefaid, his Executors and Administrators might or should have Action of Debt against the Tenant los the Demelne, who ought to have paid the fame, when it was firft due, and against his Executors and Administrators, as in the faid Ad more fully is contained, by which the Action accrued afver the death of the aforefaid T. R. to her the faid Isabell while the was lodge. And also to the faid T. and Is after Espoulals, between them celebrated, to require and have of the aforelaid G. as of the Tenant of the Demelie of the aforelaid Mannor, with the Appurtenances, by virtue of the laid Act of Parliament, the aforefaid eight Pounds, verithe aforefaid G. although often required the aforefaid eight Pounds to the aforefaid T. A. in his life time, or to the faid I afrer the death of the faith T whill the was lole, or to the faid T. M. and J. aften the Espousals, betwirt them celebrated, hath notrendred, bur it to render her bath denyed, and the lame to the faid Tound I yet to render doth yet deny, and unjully detaines, whereby they fay, They are demnified and have damnage to the value of wenty Markes and thereupon they bring their fuite one. And they bring into Cobst the Letters Tellamentary of the aforelaid T R by which is fufficiently spreams to the Court there the faid Leto be Executrix of the Will aforefaid, and thereupon to have Administration &c.

And the aforefaid G. by N. R. his Attorney, comes and defends The Defendance the Porce and injury, when con And dieh. That he detaineth not from Pleads that he the aforefaid To and It the aforefaid eight Pounds, normny penny ditames not the thereof in the form wherein the laid T. and I have above against him declared. And of this he outs himselfe upon the Country, and the aforefaid T, and Lin like manner . Therefore command is given rothe Sheriff char the cause to come twelve, or a profit into his come on Include a story of the dectes within the Machon after the

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alls manner of Treftaffer uver there en of the Court at the Friend ND the aforefaid R, by I. A. his Attorney, comes and An Avowry for defends the force and injury when & And as the Bayliff of S and R. his Wife, doth well avow the taking of the aforefaid cours Baron. Cow in the aforefaid place in which one And unjustly, one Be- Easter Term caufe the fairly. That long before the faid time wherein the taking of 18. E. the the Cow aforefaill was supposed to be done, the aforefaid S. and R. were feized of the Mannor of R. with the Appurcenances in the County aforefaid in their Demefne as of Fee, in right of the faid R. And that the aforefaid Plaintiff, before the laid time, wherein ov. Was inhabiting and reliding, within the Mannor aforefaid, and divers daies and times before the faid time, in which de. Did over-charge the Common, in the Paffures or feilds of R. aforefaid, with his Cattell: And the aforefaid Defendant faith, That before the aforefaid time. wherein roc. That is to lavoist the Court Baron of the aforefaid S. and Ri, of their Mannor aforefaid at Reaforefaid, afuch a day and verre) held before W. B. then Steward of the Court of them the Md S. and R. of their Mannor aforefaid, it was prefented by I. H. R S. and others, then and there fworn, that the aforefaid Plaintiff, had over-charged the Common with his Carrell, in a certain feild eatled Ruwithin the precinct of the Manner aforefaid, to the damage of the Lord of the fame Manno and of his neighbours : For which default othe aforefaid Plaintiff then and there by the Homage of the Court aforefaid, flood amerced, which faid Amerciament by 7. H. R.S. I. B. and 7. F. then Afleffors of the fame Court, thereunto chofen and there tworm was affelled and fined unto five Shillings . Midathat the afore aid w. B. Steward of the Cont store - mano to fild before the faid time wherein, ches At R. aforefaid, did extract our of the iffue Roles of the Mannor aforefaid, the aforefaid five Shillings and that extract then and there, did deliver to him the Defendant and commanded him to receive of the aforefaid Plaintiff. Memory

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the aforefaid five Shillings: And the same Defandant by virtue of the Barratt and Precept aforefaid, as Bayliff of the aforefaid S, and R, of their Mannor aforefaid, and of the Court Baton aforefaid, at R. aforefaid, did request the aforefaid Plaintiff to pay unto him the faid Defendant the fame five Shillings, which faid five Shillings, the Plainriffthen and there altogether refused to pay unto him the Defendant : And the same Defendant further saith That the aforesaid S. and R. and Withey whose estate the same S and Ry now have and the aforefaid eine wherein od Had in the Minnor aforefaid with the Appurtenances, from the time whereof the contrary is not Extant in the memory of man, were used to destrain for all amerciaments and punishments, forfeyred, afferfied, and imposed, upon any the Tenants or Inhabitants or residents within the Mannor aforesaid, at the Court Baron within the Pregind of the Mannor aforefaid, held for all manner of Trespasses, over-charging of the Common of Feilds Pasture, being within the Precinct of the same Mannor, and not being caxed above forcy Shillings, as also for all other Offences withrending of Inhabiting within the Precinct of the same Mannor, of CARL Court Baren within the Mannor aforelaid; yearly in form aforelaid to be held! And the faid Defendant in fact faith. That the aforelaid Planniff (fuch a day and yeare) was reliding and Inhabiting within the Precinc of the Mannor aforefaid of them the faid J. and R. aforefald . And because the aforefaid five Shillings of the Americament aforefald to the fame S, and R the fame time where-In, de. Were in Acreure unpayd, the fame Defendant as Bayliff of the aforefaid S, and R. by virtue of the Commandement aforefaid. for the time five Shillings of the Amerciament, aforelaid fo unpaid, well avows the raking of the Cow aforefaid, in the aforefaid place, in which do. And justly, on And within the Precinct of the Mannor aforelaid, we -

A Bar to the Avowry.

And the aforesaid Plaintiff saies, That the aforesaid Defendant for the reason before alledged, as the Bayliff of the aforesaid & and Rathe taking of the Cow, aforefaid in the aforefaid place, in which, Orghe not to Avow to be just because he saies that long before the aforefaid time of taking the Cow aforefaid, one T: L and A. his Wife, were feized of one Melluage, and twenty Acres of Land with the Appurtenances in R aforefaid, in their Demeine as of Fee, in right of the faid A and them held of one W. as of his Minner of A Prescription R. by Pealty, and the Rent of three Pence at the Heast, Go. Yearly for Common of to be said for all Services. And the fame Plaintiff further faith, That the aforefaid T. and A. his Wife, and all those whose State the same T. and wife his Wife now have, and the aforefaid time wherein, &c. Had in the faid Melluage and twenty Acres of Land with the Appurrenances, from the time whereof the contrary is not extant in the Memory

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Memory of man; have had and are used to have for themselves. their Farmore and Tenants of the fame Tenements, for Term of life or yeares, or otherwise, Common of Pasture, every yeare all'times ; of the yeare, in the common Feilds of the aforefaid S, and R. of their Mannor aforesaid, as unto the Tenements aforesaid, with the Appurtenances belonging: And the same T. and A. his Wife of the same Tenements fo being feized, before the faid time wherein, &c. (to witt fuch a day and yeare) at R. aforesaid, did demise the same Tenements with the Appurtenances, to him the Plaintiff, to have and to hold, to him and his Affigns, from the fame (fuch a day and yeare) for one whole yeare then next following, and fo from yeare to yeare, as long as both parties aforelaid should please : By virtue of which Demile, the same Plaintiff, was of the said Tenements aforesaid poffessed: And the same Plaintiff so being thereof possessed before the faid time, wherein, e.c. Put the faid Cow into the aforefaid place, in which, &c. To feed upon the Graffe there then growing, which faid Cow was in the same place, in which, &c. Feeding upon the Graffe then there growing, untill the aforefaid T. (fuel a day and yeare) aforefaid at R. aforefaid, in the aforefaid place, in which, cor. Took the fame Cow of him the faid Plaintiff, and her unjuftly detained against Sureties and Pleadges, untill, oc. as he above against him-hath complained, without that that the aforesaid Plaintiff (the aforefaid (fuch a day and yeare) was refiding and Inhabiting within the Precinct of the Mannor of the aforelaid S. and R. as the aforelaid Defendant hath above alledged : And this he is ready to aver, wherefore los to be adjudged unto him, etc.

And the aforesaid Defendant, as formerly saith, That the aforesaid Plaintiff, (the aforefaid fuch a day and yeare) was refiding and Inhabiting, within the Precinct of the Mannor of the aforesaid S, and R. as he hath above alledged; and of this, &c. And the aforefaid Plaintiff in like manner : Therefore it is commanded to the Shariff; cognit not set elisace ple be faith. The Me affect let desify 100

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to a stand for later of the property of the standard of the standard FTER the Processe thereof continued between the Parties Abatement aforesaid, of the Plea aforesaid, by the Jury respited, between pleaded after them here untill this day (that is to fay) From the day of the last conti-· Saint Hillary, in fifteen daies then next following : And now here nuance, &c. at this day came as well the aforefaid A. Plaintiff, as the faid B. by their Accornies aforefaid . And the Jurors Impannelled, being exacted likewife came And hereupon the faid B. relinquishing his Averment aforefaid, by him above alledged; faith, That the Justices here ought not to proceed to the taking of the Jury aforesaid, beccause he faith. That after the last continuance of the Plea aforesaid (that

is to fay) After fifreen daies of Saint Michael laft pale, from which faid fifreen daies of Saint Aliebaell, the Plea aforefaid, was here off continued, untill the aforefaid fifteen daies of Saint Hillam! And before the fame fifteen daies of Saint Hillery (that is to favi) One the Feast of Saint S. in the twentieth years of our now hard the King, at A. in the County aforefaid, as well the aforefaid Plaintiff as the faid Defendant (their friends coming together, to end the Plea between them) out of their rommon affent and confent, put themselves upon the Arbitrement, Ordinance, and Judgment of F. and 7. as well of the Trespasse aforesaid, as of all other Trespaffes . Plaints, and Debates, between them before the faid Feaff had, moved, or depending: Which faid F. and I. taking upon them the charge of the Arbitrement, Ordinance, and Judgment aforefuld afterwards (that is to fay) On the Feast aforefaid, at of aforefaid did Arbitrate, Ordain, and Adjudge of and upon the Premiffee (that is to fay) That the aforefaid Defendant should pay to the faid Plaintiff ten Shillings, on the Feaft of the Annuntiation of the bleffed Virgin Mary then next following : And this, &c. Whereupon he prayeth Judgment, if the Justices here will further proceed to the taking of the Jury aforefaid And that the aforefaid Plaintiff, may be barred from having his Action aforefaid, thereof against him, de. And the aforesaid Plaintiff so saith, That the Justiward after the ces here by any thing before alledged, ought not to delay the taking of the Jury aforesaid, because he faith, that the Arbitrators aforesaid. made no such Award. Ordinance, or Judgment of, and upon the Premisses, as the faid Defendant above hath alledged : Andiby wrhom of And who neither, of To inquire of Because as well of

Made no Alast continuance.

Assignment of Dower, Ancient Demesne.

Allignment of Dower pleaded in Bar of Dow-

ND that the aforesaid A. faith, That the said ?. her Action ought not, &c. Because he faith, That he after the death of the faid C. at B. Did affign to the faid I. ten Acres of Land with the Appurtenances of the aforesaid thirty Acres, to hold to the faid I. for Term of her life, bythe name of their Dower, of her the faid 1. to her pertaining out of the aforefaid thirty Acres of Land a To which faid Affignment, the faid I. did agree: And this, co. Whereupon he prayeth Judgment, if Action de. And the aforefaid I faith That the ought not to be procluded, de Because she faith. That the faid A. bath not affigned to her the faid I. the aforefaid sen Acres of Land, in the name of the Dower of her the faid it to her pentaining out of the aforelaid thirty Acres of Land, as the aforelaid hath above alledged, and this the prayeth, &c. Therefore twelve. in a first double a send an agency they age well

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T was commanded to the Sheriffe, if John Hill, Thomas Tap The Entry of a Rocke, and Robert Johnson, had fecured him of profecuting their writ of false clamour, then (taking with him foure discreet and lawfull Knights, Judgment, upof the County aforesaid, in their proper Persons) he should come in a writ of to the Court of our Lord the King of Mannefeild in Shirwood, and ent Demesne. in that ful Court he should cause to be recorded, the Plaint which was in the same Court by a Writ of Right, of the Lord the King, between Elizabeth Fenton Widow Demandant, and the aforefaid ?: R. and T. Tenants of three Meffuages, two hundred Acres of Land. co. With the Appurtenances in S. Whereupon the faid ?. R. and T. do complain falle Judgment to have been made to them in the fame Court, and he should have that Record before the Justices here avehis day (that is to fay) In fifteen daies after Eafter, under his Seale, and the Seales, &c. And that he should summon, &c. The aforelaid E. that the might then heare that Record, &c. And here at this day came the aforefaid 7. R. and T. by 1. S. their Attorney: And the faid B. folemaly required ; came nor, and the Sheriff of the County aforefaid, now here returned, that the aforesaid I. R. and T. found for themselves, Pledges of prosecuting (that is to fay) John Dee and Richard Roo, and that he by wirtue of the Writaforefaid, came to the Court of Muinsfeild aforefaid, and in that full Court, canfed to be Recorded the Plaint which was in the same Court by a small Writ of Right of the Lord the King, between the aforesaid Etizabeth Fenten Widow Demandant, and the said I H. T. and R. Tenants: And that Record he had ready at this day. under his Seale and the Seales of Richard Pyerpount, George Balkpall, John Mand, and H, foure lawful Knights of his County, our of those who in that Record were present? And that the aforesaid Elizabeth, was summoned to be before the Justices here at this day, by Richard Cheyton and William Peyton, according to the Form and Tenor of the Writ aforefaid : And that he had here the Writ aforefaid, and the other Wrie, of which faid other Writ, the Tenor Followeth in these words; Henry the eight by the grace of God, &c. To his Bayliffs of his Court of Maunsfeild in Shyrwood Greeting, We command you that justly and without delay, and according to the custome of the Minnor of Maunsfeild in Shyrwood, you hold full Right to Elizabeth Fenton Widow, of three Meffuages, two hundred Acres of Land, Ger With the Appurtenances in S. which J. H. T. and R. Johnson, hold from Her, that we may not heare more clamour from thence for want of Right : Witnesse my selfe at westminster the tenth day of May in the seventeenth yeare of our Raign ; the Tenor of the Record aforefaid, fo followeth in these words: The Court of the Lord the King held there on Thursday next, before the Feast of Saint Lawrence, in the seventeenth yeare, I H. T. C. and

Affigument of falfe Judge-

C. and R. Johnson came not, coc. (as in the Record, Ver batim Whereupon the aforesaid I. H. T.C. and R. I.say, That the Record aforesaid, is vitious andvery much defective in this, that at the aforefaid, Court holden on Thursday next, before the feast of Saint Lawrence, in the seventeenth yeare, it is not recited in the Record aforesaid, of what King, nor the time of what King that yeare was: Also in this that the aforesaid E. in the same Court, upon the aforesaid Writ of Right, did not make any protestation to prosecute her Plaint, in form or nature of any Writ of the Lord the King, at the common Law, as the ought to have done: Also in this, that the aforesaid Elizabeth, in the faid Court upon the faid Writ of Right, did not pray any Process for her to be made, according to the Cultome of the Mannor aforefaid; and that any Process according to due form of Law, or according to the Custome of the Mannor aforesaid, was not thereof made to the Bayliff of the same Mannor, or to any Minister of that Court, against the aforefaid & Hill T. and R. or any of them; also in this, that it doth not appeare in the Record aforesaid, that the aforesaid I. H. T. and R. were ever summoned, to be at any Court of the Lord the King, of M. in Sherwood, to answer the aforelaid Elizabeth, of the Plea aforefaid : Whereupon out of which in the Plaint aforefaid, Process is, and thereupon Judgment was rendred, in this it is error, and so the said Judgment upon Record aforesaid renderd was made falle; Therefore they require that that Judgment, for those Defects and others in the same Record, being as false and Erronious may be reverced and wholy held for nothing: And that they thefe I.H.T. and R. may be restored to the Possession of the Tenements aforesaid, with the Appurtenances, together with the Issues and profits thereof, in the mean time received, and to all things which by that Judgment they have loft, &c. Whereupon the Premisses being feen and by the Court here more fully understood, it seemeth to the Justices here, that falle judgment is made divers waies, in the fame to the faid I. H. T. and R. and especially in this (that is to say.) That at the aforefied Court holden on Thursday next, before the Feast of Saint Lawrence in the seventeenth yeare above said, it is not recited in the Record aforefuld, of what King, or the time of what King, that seventeenth yeare was: Also in this that the aforesaid Elizabeth, in the same Court, upon the aforesaid Writ of Right, did not make any Protestation to prosecute her Plaint, in forme or nature of any Writ of the Lord the King, at the Common Law as the ought to do: Also in this, that the aforesaid Elizabeth upon the Writ said of Right, did not pray any Procees to be made for her, according to the Cultome: of the Mannor aforesaid, and that any Process, according to due form of Law, or according to the Custome of the Mannor aforesaid, was not thereof made to the Bayliff of the same Mannos, or to any Minister of that Court, against the aforesaid I. H. T. and R. or any

of them : and in this, that it does not appeare in the Record afore- Judement faid, that the aforefaid John Hill, Thomas, and Rybens, were over revoked. fummoned to be at any Court of the Lord the King, of M, in Shirwood, to answer the aforesaid Elizabeth; in the Plea aforesaid : Therefore for these Desects and others in the Record and Processe aforefaid found, and being it is considered of, that that judgment may be revoked, as falle and erronious, and wholly helds for nothing, and that the aforelaid I. H. T. and R. may be restored to the Possession and feizin of the Tenements aforefaid, together with the Islues and Profits thereof, in the niean time received, and to allthings which by the falle Judgmeut aforesaid they have lost, one. Whereupon the aforefaid I. H. T. and R. pray the Writtoff the Lord the King, to be directed to the Sheriff of the County aforefaid, to warn the faid Elizabeth to be here, to thew if any thing, che Wherefore the faid I. H. T. and Robert, ought not to be restored to the Possession and Seizin of the Tenements aforefaid, with the Appurtenances. together with the Issues and Profits thereof, in the mean time received, and to all things which by that falle Judgment they have loft. according to the form of the Confideration aforefaid, if, &c. And to them it is granted, &c. Therefore it is commanded to the Sheriff, that by honest, &c. He cause the aforesaid Elizaberb to know, that the be here from the day of Saint Jobn the Baptift; in five and twenty daies, to thew in form aforefaid, &c. And it is to be known. that the Writ thereof, the Justices here in Court, in this same Term. have delivered to R. W. Deputy, Sheriff of the County aforefaid, in form of Right to be executed, &c.

Temple da la constant de Avonory.

ND the aforesaid 1. L. by W. his Attorney, and the same An Avowry for N. in proper person come and defend, orc. And the same I. Service and L. well avows, and the same I. L. and the aforesaid N. as the Suite at the Bayliffs of H. T. and R. T. well avow the taking of the Cattell afore- Mill. fayd, in the aforefaid place in which, &c. And justly, &c. because he faith that the same place in which the taking of the Cattell was suppoled to be done containeth, and the aforelayd time wherein the taking of the Cattell was supposed to be done, did containe in it tenn Acres of Land, with the appurtenances in M. aforesaid : And that long before the fayd time in which; &c. one I. T. was leized of one. Furlong of Land, containing by estimation thirty Acres, and of three other Acres of Land, with the appurtenances in M. aforesaid, whereof the aforesaid tenn Acres of Land with the appurtenances are, and the aforesaid time wherein, &c. as also from the time whereof the contrary is not extant in the memory of man, were parcell, in his Demeine as of Fee: And the same Tenements, with the appurtenances, whereof.

whereof: 19 % he held of the fone A.L. and of the aforefaid H.T. and R. Twee of the injectures of Tawah, the apputeenance in the County of colaid, by Foality, and the Rent of twenty (fullings, at the four termes of the year) (alban is to fau) as the Evalla, etc. by equall portions yearly to be paid. As aith by the doing service the rupon to them the fixed L.E. Il Luand IR is of two Harvest dayes works yearly, at his mailtest recreated beand Soft unite, his Mill within his Mannor afore-fayd, and Soft unite, his Mill within his Mannor afore-fayd, and Soft unite the same Mannor twice every year (thirth to fay) which Feafla, etc. yearly to be held, of which sayd fervices the sayd. It has another were teized by the hands of the aforefaid I. To within fifty years last past, before the sayd time where-in, etc., as by the hands of his two Fenant (that is to fay) of the in oc. as by the hands of his true Tenant (that is to fay) of the Fraley and Suite of Course and Mill aforelaid, as of Fee and right, and of the Rem, and two birvefhdayes work aforefaid, in his Demelne as of Pee! And the atorelaid I.T. of the Tenements aforelaid, with the appartenences whereof, chai in forme aforefaid being leized, the aforefaid II T. nicerwards and before the fayd time wherein, &c. at M. aforefaid, of foots his Effect dyed thereof feized; after whose death the fame Tenements, wich the appurtenances, whereof, &c. did differed to one N. Tranpoche Son and Heire of the aforefaid I. T. by which the fame W before take aforefaid time wherein &c. into the Tenements aforefaid with the appurtuances, whereof, oc. did enper and was thereof feized in his Demelne as of Fee, and to being thereof feized, the fame N before the layd nime wherein or. at M. aforefaid, took to Husband the afterested I Po Plaintiff, by which the fayd I. P. and M. were feized of the Tenements aforefaid, with the appurtenances whereof, etc. in their Demeine as of Fee, in right of the same N. And being so thereof leized, the same I. L. and the aforesaid H. and R. before the fayd time wherein, &c. that is to fav (fuch a day and yeare) at To aforefaid requested the aforefaid Plaintiff to do to them the fand I. L. H. and R. two Harvest dayes work; but this to doe the aforefrid Plaintiff then and there altogether refused : And because the aforesaid two Harvest dayes work, after request aforesaid to the aforesaid Plaintiff, by them the sayd I. L. H. and R. in forme aforefaid made to the same I. L. Hi and R. were not made: And also because the aforesaid Plaintiff hath withdrawn his Suit unto his Mill aforefaid, for two whole years ended before the fayd time wherein, ere the same I L in his owne right well avows, and the same I. L. and N. as the Bayliffs of the aforefaid H. and R. well acknowledg the taking of the Cattell aforelaid, make aforelaid place in which, e.c. for the aforefavd two Harvest dayes work, to them the favd J. L. H. and R. fo unperformed, and for the Suit unto the Mil afc relaid by the aforelayd Plaintiff, in forme aforesaid withheld: And justly, &c. upon the aforesaid Plaintiff, as upon the rightfull Tenant of them the favd I. L. Hand R. in night of the aforefaid N. and within their Fee. 66.

ing he receiving of speciated aforeign

A: MBb the afovefayd Plaintiff faith, That neisher the aforefayd L. A Barr to the E. By the reason before alleadged the taking of the Cattell afore. Avonry. favd, in the aforelaid place wherein, co. well to avou nor the fame I. L. and the aforefaid N. by the fame reason as the Baylists of the aforefavd H, and R, the taking of the same Cattell in the aforesaid place in which ever to acknowledge to heljust aughenor, because by Proreflacion he fays, That there is no fuelt Manner of T. in the County a-Forelaid, as they the layd I ha and N. in their Avowry and acknowtedement aforefuld have above alleadged . For Plea he faith. That long before the layd sime of taking the Cattell aforefaid, the afore-Bid 1. To was feined of the Tenements aforefaid, with the appurtenances whereof, & o. in his Domeine as of Fee, and being to feized thereof before the food time of shousing of the Cattell aforefaid at M. aforefaid, of fuch his flate dved feized, after whole death the Tenements aforeland, whereof or amongst others did discend to the aforefavd N. as to the Daughter and Heire of the aforefavd I. T. by which the fame N, before the fayd time wherein, or, into the Tenements aforelayd with the appurtenances whereof 60 did enter. and was thereof feized in his Demetne as of Fee; and being fo thereof feized, the fame N. beforethe faid time, wherein, &c. ArcM. aforefaid, rook to Husband him the Plaintiff, &c, As above, by which the faid Plaintiff and No were feized of the Tenements aforefaid, with the Appurcenances whereof, oc. In their Demelne as of Fee, in Right of the laid N. And being fothereof feized, the fame Plaintiff before the faid time, wherein, &c. Put his Cartell aforefaid. into the aforesaid place, in which, we. To feed upon the Graffe then thereupon growing. And the same Cattell were in the said place wherein, co. Feeding upon the Graffe then thereupon growing, untill the aforefaid I. L. and N. (fuch a day and yeare aforefayd) at M. aforefavd in the aforefavd place, called P. &c. took the same Cattell, that is to fav, the aforefavd four Cows, of him the favd Plaintiff: And them unjuftly detained, against Sureties and Pledges, untill, &c. as he above against them complaines; without that that he and the 2- The Traverse forefavd N. held the Tenements aforefayd with the appurtenances, of the Tenure, whereof, Go. of the aforefayd L. H. and Roas of the aforefayd Mannor of T. with the appurtenances in the County aforefayd, by Fealty. and the rent of twenty shillings, at the four termes of the year, that is to fay, at the Feafts, &c. by equal portions, yearly to be payd, as alfo by doing fervice thereof to the aforefayd I. L. H. and R. of two Harvest dayes work yearly, at their Mannor aforesayd, and Suit unto their Mill aforefavd, and unto the Court of the same Mannor, twice by the year, that is to fay, at the Feafts, &c. yearly to be held, as the aforefayd I. L. and N. have above in their Avowry and acknowledgment aforefayd alleadged; and this he is ready to averr: Wherefore

for that the aforefayd I. L. and N. the taking of the Cattell aforefayd in the aforelayd place in which, total have above acknowledged; she fayd Plaintiff demands judgment, and his damages, by reason of the taking and unjust detaining of the same Cattell; to be adjudged unto him we the fact english to the the place of the midthe caude of the fame Guerollin to cultural implace

Ifue upon the Traverse.

A ND the aforefued Defendants as formenly, fay, That the layd Plaintiff and N. doe hold the Tenemons aforefaye with the appurtenances, whereof wie nof the aforelayd I. L. H. and R. as of their aforelayd Minnor of Triwith the appurtenances in the County aforefavd, by Fealty, and the rent of twenty shillings, at four terms of the year, that is to lay, at the Beafts, wie. by aquali portions, yearly to be payd: As also by the doing service thereof to the aforefayd I. L. H: and R. of two Harvelt dayes work yearly at their Mannor aforelayd, and Suit unto their Mill aforefaid, and at the Court of the same Mannor, twice by the year, that is to fay, at the Feafts, &c: yearly to be held, as they above have alleadged; and of this they put themselves upon the Countrey: And the aforesayd Plaintiff in like manner: Therefore command is given to the Sheriti, that twelve, Gre. to be Denetine as of Fractional out of their

Replevin 38.

T. the Elder is fummoned to answer R. T. the younger, of a Plea wherefore he took the Cattell of him the faid R. T. the younger, and them unjustly detained against Sureeves and Pledges untill to a And whereupon the aforefaid R. T. the vounger by J. D his Attorney! Complaines that the aforelaid R. T. the Elder (fuch a day and lyeare) at O. in a certain place called E. took the Cattell, that is to fay, Two Horfes of him the faid R. T. the vounger, and them unjustly detained, against Sureties and Pledges, untill &c. whereby he layes he is damnifyed, and hath Damage to the value of ten Pounds : And thereupon he brings his Ned of the Park of the Suite, &c.

Avowry for a Rent charge upon Pescrip-

A ND the aforefaid R. T. the Elder, by T. C. his Attorney, comes and defends the Force and Injury, when, Go. And well Avows the taking of the faid Cattell, in the aforefaid place in which, etc. tion to diffrain. And unjustly, &c. Because he taies, that the same place, in which the taking of the faid Cattell, is supposed to be done containeth, and at the aforelaid time, when she taking of the faid Cattell was supposed to be done, did contain in it selfe foure Acres of Land with the Appurtenances in C. aforefaid : And that he the faid R. T. the Elder. before the same time wherein, co: Was seized in his Demesne as of Fee, of a certain Annuall Rent of two Shillings and foure Pence. Issuing and yearly to be received of, and in the aforesaid foure Acres of Land with the Appurtenances, at the Feafts of Saint Michaell the Arch-Angell, and the Annunciation of the bleffed Virgin Mary,

by equall Portions to be paid, and there payable: And the fame R. Ti the Elder, and his Ancestors, and all those whose State his Ancestors had in the Rent aforesaid, from the time whereof the Contrary is not extant in the Memory of Man; were seized of the same Rent Issuing, and to be received of and in the aforesaid foure Acres of Land with the Appurtenances, at the Feasts aforesaid, by equal Portions, by the hands of his Tenant, of the free-hold, of the foure Acres of Land with the Appurtenances, for the time being to be paid : And by the same whole time, were used to destrain in the aforesaid foure Acres of Land with the Appurtenances, for the Airerages of of the Rent aforesaid, after any Feast of the Feasts aforesaid, remaining in Arreare: And because ten Shillings and fix Pence, of the Rent aforesaid, for foure yeares and halfe a yeare ended, at the Feast of Saint Michaell the Arch-Angell, next before the aforefaid time. wherein, &c. To him the faid R. T. the Elder, at the fame time wherein. &c. Were in Arrease and unpaid, he the faid R. T. the Elder, for the same ten Shillings and fix Pence, of the Rent aforesaid, to him the faid R. T. the Elder, so being in Arreare, doth well Avow the taking of the Cattell aforesaid, in the place aforesaid, in which, &c. And justly, &c. As in the Lands of him the faid R. T. the Elder, in forme aforefaid, tyable and chargable with distresse.

ND the aforesaid R. T. the younger sayes, That the aforesaid R. T. the Elder, for the reason before alledged, the taking of A Plea in Bar the aforesaid Cattell, in the aforesayd place wherein, &c. Ought to the Avowry. not Avow to be just because he faith, I hat he before the aforesaid time, of the taking of the Cattell, and the same time wherein, &c. Was seized in the aforesayd foure Acres of Land with the Appurtenances, in C. aforesaid, called C. in which, &c. In his Demesne as of Fee, cleerly discharged of the aforesaid Annuall Rent of two Shillings and foure Pence: Without this, that the aforelaid R. T. the Elder, and his Ancestors, from the time whereof the contrary is not extant in the Memory of Man; were leized of the aforesaid Annual Rent, of two Shillings and foure Pence, Issuing and yearly to be received of, and in the aforesaid soure Acres of Land with the Appurtenances: And by the same whole time were used to distrain upon the aforefaid foure Acres of Land with the Appurtenances, for the Arrerages of the same, as the aforesaid R. T. the Elder hath above alledged: And this he is ready to Aver, wherefore for that the aforesaid R. T. the Elder, the taking of the Cattell aforesaid, in the place aforesaid, in which, &c. hath above acknowledged the same: R. T. Junior, prayes Judgment and his Damages, by occasion of the taking and unjust detaining of those Cattell, to be adjudged unto him.

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Theiffue taken A NO the aforefuld R. T. the Elder, as formerly faith That he upon the Seifin And all his Ancolfors, from the time whereof the contrary is not entant in the Memory of Man; were leized of the alorefald Annuall Rent of two Shillings and foure Pence, Issuing and yearly to be received of, and in the aforefaid foure Acres of Land with the Appurrenances: And by the fame whole time were used to diffrain upon the aforefaid foure Acres of Land with the Appurcenances, for the Arrerage of the fame, as be above hath alledged : And upon this he puts himselfe upon the Country: And the aforesaid R. T. the younger, in like manner: Therefore Command is given to the Sheriff, that he cause twelve, che.

Replevin.

I'. Was fummoned to answer W. D. of a Plea, wherefore he rook the Cattell of him the faid W. and them unjustly detained, against Sureties and Pledges, &c. And whereupon the fame W. by 7. D. his Attorney, Complaines that the aforfaid ?. W. (fuch a day and yeare) at R. In a certain place there called E, he took the Cattell, that is to fav. Five Heyfers and two Bullocks, of him the faid w. and them uniuftly detained, against Sureties and Pledges untill, &c. Whereupon he faves that he is damnified, and hath Damage to the value of twenty Pounds: And thereupon he brings his Action.

An Avorovy of tabing the Cat-

A ND the aforefaid 7. by R. F. his Attorney, comes and defends the Force and Injury, when, &c. And as the Bayliff of 7. E. tell trespassing acknowledgeth the taking of the aforesaid Cattell, in the aforesaid place, in which, &c. And justly, &c. Because he saith, That the same place, in which the taking of the Cattell aforelaid is supposed to bee done, containeth, and the aforefaid time, of the taking aforefaid, above supposed to be done, did contain in it sixteen Acres of Land with the Appurtenances in R, aforefaid, which faid fixteen Acres of Land with the Appurtenances are, and the aforefaid time, of taking aforefaid, above supposed to be done, were the sole and free Tenement of the faid ?. E. And because the Cattell aforesaid. the atoresaid time, wherein, &c. Were in the aforesaid place, in which co. Feeding upon the Graffe growing thereon, and doing Damage, there the same 7. as the Bayliff of the aforesaid 7. E. well acknowledneth the taking of the aforesaid Cattell, in the aforesaid place, in which, &c. And justly, &c. doing their Damage, &c.

A Plea in barr to the Avowry [by the Guardian.

A ND the aforefaid w. faith, That the aforefaid ?. for the reafon before alledged, ought not to acknowledge the taking of the aforesaid Cattell, in the aforesaid place in which, co. As the Bayliff of the aforesaid 1. E. to be just, because he saith, That before the aforesaid time, of the taking aforesaid, and long before the said 7.

E: had

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& had any things, in the aforesaid fixteen Acres of Land with the Appartenances . One R. G. was feized of the Mannor of H. wish the Apparterances in the County aforefaid, whereof the aforefaid place in which eta is, and theaforefaid time, of taking aforefaid. was parcell in his Demeshe as of Fee : And being so thereof seized the Mannor with the Appurtenances, whereof on He held of one B. W. Gentleman, as of his Mannor of L, in the County aforefaid. in Socage, that is to fay, By Fealty and the Rent of twenty Pence. by years, every years, at the Feast of Saint Michaell the Arch-Angell veurly to be paid, as also by the service of doing Suite to the Court of the faid B. of his aforefaid Mannor of L. from three weeks to three weeks, at the aforefaid Mannor yearly to be held, and the fame R, of the Mannor of H. aforelaid, with the Appurtenances, whereof. de. Being fo feized dyed, thereof feized, after whose death, the faid Mannor with the Appurtenances whereof, &c. discended to the aforesaid I. E. as to the Daughter and Heire of him the said R. the same I. E. being then within the age of fourteen yeares, that is to fav. Of the age of twelve yeares: And the faid w. is a neer Briend of Kindred to the faid I. E. that is to fay, The Brother of Elianor the Wife of the aforefaid R. C. and Mother of the aforefaid 7. E. To whom the aforefaid Mannor of H. with the Appurtenances whereof, &c. Cannot from the aforefaid I. E. by Hereditary Right discend, by which the Custody of the aforesaid Mannor of H. with the Appurtenances whereof, ofc. and of the aforefaid I. E. untill the lawfull age of fourteen years, of her the faid I. E. pertaines, by which the faid W. the aforefaid time of taking aforefaid, was of the Custody of the faid Mannor of H. with the Appurtenances whereof, &c. And of the aforefaid I. E. Possessed, tor that at the same time, in which, &c. The faid I. E: was within the age of fourteen yeares: And being fo thereof Poffessed afterwards, and before the aforefaid time, of taking aforefaid, he put his aforefaid Cattell, in the aforefaid place, in which, &c. To feed on the Grafle thereupon then growing: Which faid Cattell, were in the aforefaid place, in which, coc. Feeding upon the Graffe then growing; untill the aforefaid I. the day and yeare above faid, in the Declaration above specified, at R. aforesaid, took the aforesaid Cattell of him the said w. and them unjustly detained, against Spreties and Pledges, untill Go. As the faid W. against him complaines: And this he is ready to Aver, whereupon for that the aforefaid I. above acknowledges the taking of the aforesaid Cartell, in the aforesaid place, in which &c. The faid w. prayes judgment and his Damages by occasion of the taking and unjust detaining of the aforefaid Cattell, to be adjudged unto him. e.

The Traverse of the Tenure in Socage.

A ND the aforesaid 7. as formerly saith, That the aforesaid sifteen Acres of Land with the Appurtenances are, and at the aforesaid time, of taking a foresaid, above supposed to be done; were the sole and Free-hold of the aforesaid I. E. as he before hath alledged: Without that, that the aforesaid R. held the aforesaid Mannor of H. with the Appurtenances whereof, &c. of the aforesaid B. W. as of his Mannor of L. in Socage, that is to say, By Fealty, and the Rent of twenty Pence by years, every years, at the Feast of Saint Michaell the Arch-Angell, yearly to be paid, and by the service of doing Suite, at the Court of the aforesaid B. of his aforesaid Mannor of L. from three weeks to three weeks, at the Mannor aforesaid to be held yearly, as the aforesaid VV. hath above alledged; and this he is ready to aver, whereupon he prayes Judgment, and the Return of his Cattell aforesaid, together with his Damages to him for the aforesaid I. E. to be adjudged, &c.

Issue upon the Traverse.

A ND the aforesaid VV. as somethy saith, that the aforesaid R. C. held the aforesaid Mannor of H, with the appurtenances whereof, &c. Of the aforesaid B. VV: as of his Mannor of L: in Socage, that is to say, By Fealty, and the Rent of twenty Peoce by years, each years at the Feast of Saint Michael the Arch-Angell, yearly to be paid, as also by the Service of doing Suit, at the Gourt of the aforesaid B: of his aforesaid Mannor of L: from three weeks to three weeks, at the saide Mannor, yearely to bee held, as he hath before alledged: And this he prayes may be inquired of by the Country, and the aforesaid I: in like manner: Therefore Comemand is given to the Sheriff, that he cause to come twelve, &c.

An Avowry for a Rent charge.

ND the aforesaid R: by 7. M: his Attorney, comes, &c: And as the Bayliff of H: H: Gentleman, well avows the taking of the Cattell aforesaid, in the aforesaid place, in which, &c. And justly, &c. Because hesaith, The Same place containeth, and the aforelaid time, wherein the taking of the Cattell aforelaid, was Suppoled to be done, did contain in it eighty Acres of Land with the Appurtenances in M. aforesaid. Parcell of the Mannor of M. with the Appurtenances, in the County a foresaid, called M. Park, of which faid Mannor, with the Appurtenances whereof, &c. One John, Duke of S. was Seized in his Demesne as of Fee: And so being thereof Seized, the said D: before the said time, in which, &c: To witt (Such a day, yeare, and place) by his certain Writing, indented, which he the Said R: A: with the Seale of him the faid D: figned here, brings into Court, the Date whereof is the same day and yeare of the affent, of one H: H: Knight, deceased, granted, and by the faid Writing confirmed, unto the aforesaid R: H: A certain Annuity

or annual Rent. of thirteen Pounds of lawfull Money of England yearly to be received to him the faid R. H. and the Heires Males of his Body lawfully begotten, Isluing out of the aforesaid Mannor of M. B. and B. in the County aforefaid : Which faid Mannors Lands, and Tenements, and other the Premiffes with their Appurrenances, were lately the aforesaid I. H. in the Villages and Territories aforesaid to have, Levy, and receive the aforesaid annuity or annuals Rent of thirteen Pounds aforefaid, to the aforefaid R. H. and the Heires Males of his Body lawfully begotten, at two Terms of the yeare, that is to fay, At the Feafts, &c. Yearly by equal! Portions to be paid : And further by the aforelaid Writing, he granted to him the faid R. That as often as it should happen, the aforefaid annuity or Annuall Rent of thirteen Pounds aforesaid, to him the said Rand the Heires Males of his Body Jawfully begotten, to be in Arreare in part or in whole, by fix weeks after any Feast of the Feast's atorefaid, wherein as aforefaid it ought to be paid: That fo often it should be lawfull to them the said R. H. and the Heires Males of his Body lawfully begotten, into the faid Mannor, Lands, and Tenements, aforefaid, and into every Parcell thereof, as well for the faid Annuall Rent of thirteen Pounds, as for fix Shillings and eight Pence by way of punishment, granted to diffrain, and such diffresses so taken from thence, to Lead, Chase, and carry away, and to retain in his power, untill as well the aforefaid Annuall Rent of thirteen Pounds, as fix Shillings and eight Pence by way of punishment, as aforefaid granted, should be fully satisfied and paid to them, as in the faid Indented Writing more fully is manifest: By virtue of which faid Grant and Confirmation, the aforesaid R. H. was seized of the aforesaid Annuall Rent with the appurtenances, in his Demesne as of Fee-tail, that is to fay, To him and the Heires Males of his Body lawfully begotten: And the faid R. being to thereof feized, before the said time wherein &c. The said R. had Issue of his Body lawfully begotten, one H. H. Son and Heire Male: And after the aforesaid R. at E. in the County of N. did after the death of which faid R. H. and before the faid time wherein, &c the faid Rent with the appurtenances, to the aforesaid H. H. as to the Son and Heire Male. of the Body of him the faid R. lawfully begotten did discend, by which the same H, the Rent aforeiaid received, and was thereof seized in his Demesne as of Fee tail: By virtue of the Grant after: said: And being to thereof feized, the fame H, after and before the faid time wherein, &c. Had Issue the aforesaid H. H. Son and Heire Male of his Body lawfully begotten, and afterwards the faid H. at E, in the aforesaid County of N. in like manner dyed : After the centh of which said H. H. and before the said time wherein, &c. The said Rent with the Appurtenances did discend to the aforesaid Henry H. as to the Son and Heire Male of the Body of the faid Hugh lawfully begotten

begotten, by which the said Heavy, the stem aforesaid received, and was thereof seized in his Demethe as of Pec-tail, by virtue of the Grant and Confirmation aforesaid. And because his Pounds and ten Shishings of the Rent aforesaid, for halfe a yeare, ending at the Feast of Saint Michaell (in such a yeare) and for the space of six weeks after the same Peast, as also six Shishings and eight Peace, under bain by the aforesayd Writing granted, for withholding of the aforesayd annuity, for the space of the aforesayd six weeks, to him the said H. were in Arreare, and as yet remain unpaid, the aforesayd R. well avows the taking of the Cattell aforesayd, in the aforesayd place, in which, &c. as in the Mannor and Tenements of him the said H. in some aforesaid charged and syable to distresse, as well for the aforesayd six Pounds and teb Shissings, of the Rent aforesayd: And justly, &c. And this he is ready to aver, whereupon he demands Judgment, and the return of the Cattell aforesayd, together with, &c. to be adjudged unto him, &c.

ND the aforefald T. faith, That the aforefayd R. A. by the reason before asledged, ought nor to acknowledge the taking of the Cattell aforefayd, in the aforefayd place, in which, &c. to be just; because he sayes, That long before the aforesaid time, wherein the taking of the Cattell aforefaid, was supposed to be done; one w. R. was leized of the aforefaid eighty Acres of Land with the Appurtenances, in his Demelne as of Fee: And being so thereof seized, he the faid W. afterwards, and before the aforefaid time, wherein, &c. To witt (fuch a day, yeare, and place) Did Demile the aforesaid eight Acres of Land with the appurtenances, in which, Ge. To him the faid 7. to have and to hold, to him and his Assigns, from the said (fuch a day and yeare) aforefaid, unto the end and Term of five yeares then next following, and fully to be compleated: By meanes of which said Demise, the aforesaid I. into the said eighty Acres of Land with the Appurtenances, in which, &c. Did enter, and was, and yet is thereof possessed : And so being thereof Possessed, he the faid 7. faith, That he holdeth, and the aforefaid time, wherein, &c. He held the aforefaid eighty Acres of Land with the appurtenances, in which, &c. for Term of years, the Reversion thereof, after the fame Term compleated, to the aforesaid W. and his Heires, in form afore-Said belonging, without the which said w. the said I. cannot answer the aforefaid R. to his Avowry aforefaid, nor bring the faid Plea thereupon into Judgment, and prayes ayde of the aforesaid w. and it is granted him, &c. Therefore command is given to the Sheriff, that he fummon by good Summoners, the aforefaid W. R. That he be here in eight daies of Saint Hillary, to answer the aforesaid R. A. together

A Prayer in Ayde by the Tenant for terme of yeares of bim in Reversion.

together with the aforefaid I, of the aforefaid Plea, if, &c. The fame day is given as well to the aforefaid R. as to the aforefaid 7. here, Go. At which day here came as well the aforesaid ?. as the aforefaid R. ... by their Attorneys aforclaid: And the aforefaid W. fummoned, co. Caufed himself to be Estoyned, of his ill coming against the aforefaid R, of the aforefaid Plea: And had thereupon day by his Effoyn here, untill fifteen daies after Eafter then next following : The fame day is given as well to the aforefaid I as to the aforefaid R. here, &c. At which day here came as well the aforefaid R. A. by his Attorney aforefaid, as the aforefaid VV. R. by 7. R. his Attorney : And the aforefaid ?. P. in bike manner, canfed himself to be Estoyned of his ill coming against the aforefaid R. A. of the aforesaid Plea : and had day thereupon by his Edoyn here, untill five weeks after Baffer then next following: The same daie is given as well to the aforesaid R, as to the aforesaid W. R, who then appeared here by the aforesaid I. R. his Accorney, as it appeares in Eafter Term last past, by the Essoynes, 60. At which day here came as well the aforefaid I. P. and R. A. by their Attorneys aforefaid, as the aforefaid W. R. by I. R. his Attorney aforelaid: And he the laid VV Freely joynes himself to the aforesaid I. in ayde against the aforesaid R. A. of the aforefaid Plea: And upon this as well the aforefaid I. P. as the aforefaid VV. who joynes himself; &c. Sayes that the aforefaid R. A. the taking of the Cattell aforesaid, in the aforesaid place called M. ought not to avow to be just, because he faith, That the aforefaid (fuch a day and yeare) in the Avowry aforefaid specified, one 7. S. was Seized in his Demelne as of Fee, of, e.c. in the aforelaid eighty Acres of Land, called M. Park, with the Appurtenances : Without that that the aforefaid Duke of S. had any thing in the aforefaid eighty Acres of Land with the appurcenances, called M. at. the time of the Grant of the faid annuity or Annual Rent aforefaid, made in manner and form, as the aforesaid R. A. hath above alledged: And this he is ready to aver, whereupon he demands Judgment and his Damages, by reason of the taking and unjust detaining of the Cattell aforesaid, to be adjudged unto him, ore

N Dehe aforesaid R. as formerly faith, That the aforesaid Dake was of the aforefaideighty Acres of Land with the appurtenances called M. P. Seized in his Demelne as of Fee, at the same time of the Grant made, of the faid annuity or Annual Rent aforefaid, as he above hath alledged: And upon this he puts himfelf upon the Country; And the aforesaid W. R. who joynes himself, &c, in like manner: Therefore command is given to the Sheriff, that he cause to come twelve? Our way was rads and a mond ad Stand de disease in day. (what seven fay) nech a day, the alurefaid. I co animer erand

Trinity 7. of King James, Roll, 3642.

An Andha Querela upon an Escape:

T was commanded to the Sheriff, whereas lately out of the grieyour complaint of O. D. of C. in the County aforesaid; Gentleman, it was showed to the Lord the King, grievoully complaining, that whereas one 1. D. Doctor of the Law, lately in the Court of the Lord the King, of the Bench here (that is to fay) In the Term of Saint Michael (in fuch a yeare) before the Justices of the faid Lord the King of the Bench aforefaid, here (that is to fay) At W. by the Confideration of the same Court, had recovered against the said O. as well a certain Debt of two ffundred Pounds, as also thirty Shillings, which to the faid O, in the fame Court, of the faid Lord the King here, were adjudged for his Damages, which he had by reason of detaining of that Debt, whereof he is convicted: And whereas also the same O. For that, that he did not come into the same Court. of the faid Lord the King here; to fatisfie the aforefaid I. of the Debrand Damages aforelaid, he was put in the Exigents; in the County of the Lord the King, of S. to be out-lawed, and by that occasion afterwards, that is to fay (Such a day and yeare) was out-lawed : And although the fame O. in Execution for the Debt and Damages aforelaid (By virtue of the fame Writ, of the faid Lord the King, of taking the out-lawed thereof, to the late Sheriff of the County of S. aforefaid) At the Suite of the faid ?. D. was taken and Imprisoned. and after that he was fo taken and Imprisoned by the same Sheriff. out of that Prison at large, whither he would freely and voluntarily. was permitted to go, and from the Execution aforefaid, was delivered: As the faid O. by waies and meanes convenient, is ready to fet forth : ver the faid ? the Execution of the Debt and Damages aforefaid . against him the said . by reason of the recovery aforsaid, now lately doth profecute and doth threaten and indeavour to take him the faid O. by that occasion, and detain him in the Prison of the Lord the King unfully, not to the little Damage and grievance of him the faid o. Whereupon he hath supplicated the Lord the King, to provide for bim a fit Remedy in this behalf, and the faid Lord the King, being willing in this behalf to do that which should be just, bath commanded his Justices here, that hearing the complaint of the faid O in this behalf, and calling before them the Patries aforelaid, and others whom in this behalf they fhall think convenient to be called, and hearing from thence the reasons of them thereof, they cause full and speedy Justice to be done to the layd. O. which of Right, and according to the Law and Custome of the Kingdome, of the said Lord the King of England, should be done, that they may cause to come here at this day (that is to fay) Such a day, the aforesaid I. to answer of and upon the Premisses, and further to do and receive that which the Court

and

of the Lord the King here shall of that consider in his behalf : And now here at this day, came as well the aforesaid O. by O. G. his Attorney as the aforelaid 7. by 7. N. his Amorney, and thereupon the fame O. faith, That whereas the aforefaid 7. lately in the Court of the now Lord the King, that is to fay (Such a Term and yeare) before E. C. &c. By the confideration of the fame Court, had recovered a. gainst the aforesaid O. as well the aforesaid Debt of two hundred Pounds, as the aforesaid thirty Shillings, which, &c. For Damages, co. had, co. whereof he is convicted: And whereas also the same 6. For that, that he did not come, in the same Court of the Lord the King here, to satisfie the aforesaid I. of the Debt and Damages aforefaid, he was put to the Exigent, in the aforefaid County of S. To be out-lawed, and by that occasion afterwards, (that is to fay) Such a day and yeare, was out-lawed upon a certain out-lawry: Upon which out-lawry the faid I. afterwards, that is to fay Such a Term and yeare) Did prosecute out of the Court of the faid Lord the King, of the Bench here, a certain Writ of the faid Lord the King, of taking the out-lawed against him the said Q. to the then Sheriff of the County of S. aforesaid directed, by which Writthe said Lord the King, to the then Sheriff of the County of S. aforesaid, did command that he should not omit for any libercy of his County, but that he should take the aforefaid O. out-lawed in the County of S. The day and yeare aforefaid : at the Suite of the aforefaid I. D. of a Plea of Debr, whereof he is convicted, if, &c. And him lifely, &c. So that he should have his Body, &c. (Such a day) then next following, to do and receive that which the Court of the taid Lord the King here, should then consider of him, in that behalf; By virtue of which Writ, the laid O. afterwards, f that is to fay) Such a day and yeare aforelaid, at G in the County of S. forelaid by the laid H. M. then being Sheriff of the County of S. Was taken and Imprisoned, in Execution for the Debt and Damages aforesaid, at the Suite of the said I. and after that he was to taken and Imprisoned, the faid O. by the faid Sheriff, the same day and year at Gaforefaid, was freely and voluntarily permitted to go out of that Prison at large whither he would, and from the Execution aforefaid, was delivered : And this he is ready to aver, whereupon he prayeth Judgment, and that the faid I, may be barred from having his Execution aforesaid, by reason of the Judgment aforesaid, and the fame O. may be discharged, &c. so well : was the last

And the aforesaid f. saith, that he ought not to be barred or retarded, by reason of any, thing before alleadged, from having his Execution aforesaid of the Debt and Damages aforesaid, against him the sayd O. because he saith, that after the aforesaid time in which so is supposed the aforesaid O. to have gone out of the custody of the aforesaid Sheriff of S, and before any further Execution against the sayd O. by him the sayd 7, by reason of the Judgment aforesaid was prosecuted

and had, and before the day of the isluing forth of the aforelayd Writ of Hearing the Complaint, that is to fay (fuch a Terme and gear aforefaid) a certaine Writ of him the fayd Lord the King, of taking the Outlawed out of the aforefaid Court of the fayd Lord the King of the Beach here, issued forth upon the Outlary aforelaid. as aforefuld published against him the fuyd O, at the Suit of the layd 1. D. directed to the then Sheriff of the County of M. By which Writthe layd Lord the King commanded the layd then Sheriff of M. that he should not omit, for any liberty of his County, but that he should take the aforesaid 0, by the name of, Ho. Outlawed in the fayd County of S. aforefaid (fuch a day and year aforefaid) at the Suit of the layd 7. by the name of, Sec. of a Plea of Debt, whereof he was convicted, if he should be found in his Bailiwick, and him fafely keep, so that he might have his body here (that is to say) at W. aforelaid, in the aforelayd morrow of All-fonles, in that fame Terme of Saint Michael, in the fixth year aforefaid, to doe and receive that which the Court of the layd Lord the King of him thould confider in that behalfe: At which morrow of All-faules here (that is to fay) at w. aforefaid, came the aforefayd O, by B. his Attorney : And the Sheriff (that is to fay) G. and R, then Sheriff of the County of M. sforefayd, recurred that the fayd O. was not found, &c. And upon this the fand O. then prayed Over of the Writ of Exigent apon which the fame Oat the Suit of the aforefayd I. in forme aforefayd, was Outlawed: And it was read to him in these words. Viz.

Jumes by the grace of God King of England, Scotland, France, and Ireland, &c. (And so recite the Writ Verbatim) which being read and heard, the fayd O, then fayd. That he ought not to be charged of the Outlary aforefayd, for that the aforefayd Writ of Exigent had not any certain day of returne in this word holy, not having thefe letters (boly) between these words In the morrow and Trinity any fignification, as by the Writ aforefayd then did appeare: And for that cause the sayd o then prayed Judgment, and that the Outlary aforelayd, in forme aforelayd, had and published, might be annihilared and made voyd, and altogether held for naught: Whereupon the Writ aforefayd being then viewed, and by the Justices here then fillly understood, it did then appeare to the Justices here, that the Allegation of the aforefayd O. in discharging the sayd O. of the Ontlary aforefayd was true: Therefore it was then confidered of in the fame Court here, that the favd O. fould not be molested or greived in any thing, by reason of the Outlary aforesayd, but should go thereof quiet, &c. as by the Record thereof in the fame Court here reliding more fully it is manifest : And so the same ?. faith. That there is no fuch Record of the Outlary aforefayd, as the fayd O, by his Writ and Declaration aforefayd above bath supposed: And this he is ready to aver, whereupon he prayeth Judgment, if he ought to be barred from having having his Execution aforefayd, of the Debt and Damages arorefayd, against him the fayd O, or.

THE Lord the King hath commanded his Justices of the Bench An Audita here, his Writ closed, in these words, Viz. James by the Grace Querela upon of God, King of England, Scotland, France, and Ireland, Defender a Release, and of the Faith, &c. To his Justices of the Bench, Greeting, Out of the Baile theregreivous complaint of R. K. to Us greivously complaining, it is shewed. That whereas he and one 1. M. fuch a day and yeare at the Villiage of N. in the County of N. before E. M. then May or of the Villiage aforesayd, and G. C. then Deputy-Clark to take Recognizances, of the Debts within the same Villiage, did acknowledge, and both of them acknowledge themselves to owe R. P. of, &c. and I. M. of Be. A hundred Pounds of lawfull Money of England, to be paid to the same R. and I. upon (such a day) then next following: And alchough the aforefaid I. M. afrerwards (that is to fay) Such a day and yeare aforefaid, at the aforefaid Villiage of N. by his certain Weiting of release, with his Seale tealed, bearing date the fame day and yeare, in the Custody of the aforefaid R. K. remaining, and before us in our Chancery fhewed, hath remifed, releafed, and quiet, claimed to the faid R. K. the aforefaid Recognizance, and all and fingular Debts and Summes of Monies, in the same mentioned, and all and lingular Actions, Extentes, Executions, Debtes, Credits, ties, Suites of Law, Titles, Interests, Rights, Claimes, and Demands, what loever, which the aforesaid I. M. then had or might have against him the said R. His Heires, Executors, Administrators, and Assignes, or of or in his Lands, and Tenements, Goods, and Chattels, lying or being in the County of VV. or elfewhere, as the aid R. by waies and meanes convenient, is ready to let forth, yet the faid R, and I not having the Premisses in Consideration, but intending unjustly and unduly, to charge him the faid R. with the payment of the faid hundred Pounds, now lately have unjustly and unduly pro ecuted the Execution of the same hundred Pounds, against him the said R. By virtue of the Recognizance aforesaid not to the little Damage and grievance of him the faid R. and against the Force, Form, and Effect of the Writing aforesaid, whereupon the said R. hath supplicated us to provide for him a fit remedy in this behalf, and we (being unwilling to injure the faid R. in this behalf) Command you that (hearing the Complaint of him the faid R. in this behalfe) and feeing the Writing, and also calling before you the Parties aforefaid. and hearing from thence their reasons thereupon, you cause further to be done in the Premisses, which of Right, and according to the Law and Custome of our Kingdome of England, ought to be done : Witnelle my lelfe at Westminster, the second day of I, in the seventh year of our Raign of England, France, and Ireland, and of Scotland, the forty

forty second afterwards (that is to say) Such a day, in this same Terme, came here in Court the aforesaid R. in his proper person? And hereupon C. C. of, &c. and E. H. of, &c. Have undertaken, and both of them hath undertooke, for the aforelayde R. in the Sum of one hundred Pounds; and the same R. present here in Court, in his proper Person, for himselfe hath undertaken, in the Sum of three hundred Pounds, to profecute the aforefaid Writ of hearing the Complaint with effect: And if Judgment should happen to be given against him the faid R. in this behalfe, that then he the faid R. should fatisfy to the faid R. and I. the aforefayd hundred Pounds, in form aforefaid acknowledged, which taid feverall Sums of one hundred Pounds, the aforesaid C. and E. have acknowledged, and both of them hath acknowledged to be made of their Lands, and Chattels, and to the use and benefit of the said R, and I, to be levied, and which said three hundred Pounds, the aforefaid R, hath acknowledged to be made of his Lands and Chattels, and to the ute and benefit of the aforelaid R.and I.to be levied, if it should happen, that the said R.to make default in any thing of the Premisses, and to be thereof in lawfull manner convinced, &c. And the same R. bringeth here in Court, the aforefaid Writing of Release, testifying the Premisses.

Which faid Writing to the Justices here being shewed, and by them feen; It is commanded to the Sheriff of W. That he cause to come here (Such a day) the aforesaid R. and I. to answer upon the Premisses, and further to do and receive, that which the Court here thall consider of in this behalfe: And in the mean time the faid R. of whatfoever Execution, by reason of the Recognizance aforesaid. by what loever Writ of the faid Lord the King, to the faid Sheriff dired-

ed, or to be directed, tor ever to be Superceded, &c.

An Audita Querela, where three was bound to one, who released did Sue the oing of the Reterwards the Release comming to his whom the

THE Lady the Queen, did command, or in these words Elizabeth by the Grace of God, &c. Greeting out of the grievous Complaint of T. Handford, we have accepted, that whereas the faid T. together with I. VV. of, Ge. And with one T. VV. of, Ge. By the to one of them, name of, &c. (Such a day and yeare) By his certain Writing & afterwards Obligatory, bearing Date the same day and yeare, joyntly and sether, not know. verally , had become bound to one I. H. in the Sum of two hundred Pounds: And although the aforesaid I afterwards, that is to say, lease; and af- (Such a day and yeare) by a certain Writing of Release, of him the faid I. Sealed with his Seale, bearing Date the same day and yeare, reciting by the same Writing, that whereas the aforesaid T. VV. and bands against the aforefaid T. Hand W. W. by their certain Writing, Obligatory, bearing Date (fuch a day and yeare) aforefaid, Stood bound Judgment was joyntly and severally to the said I. in the Sum of two hundred Pounds, brings an Au- for the payment of one hundred Pounds, as by the faid Writing Obdita Querela, ligatory, and Defeizance thereupon made more fully appeareth, for divers

divers Considerations him the faid I. especially moving, had Covenanted. Granted, and agreed by the fame Writing, for himfelfe, his Executors, and Assignes, and every of them, to and with the faid T. w. his Executors and Affignes, that neither the aforesaid I. H. his Executors or Affignes, or any other Person or Persons, by his ortheir procurement, at any time from thence after, for, upon, or by reason of the faid Writing Obligatory, should Trouble, Molest, Profecute, Sue Atrach, Implead, Condemne, or have in Execution, him the faid T. W. His Heires, Executors, or Administrators, or any of them, or any of his or their Lands, or Tenements, Goods or Chattels, or any part of them : And that if the aforefaid I. H. his Executors or Affignes, at any time should prosecute the Suite against him the said T. H. His Executors, Administrators, or Assignes, upon the aforesaid Writing Obligatory, or by reason of the same, or the Debt in the fame specified : That then the faid T. W. His Heires, Executors, or Assignes, might plead the same Writing of Release in Bar of such Action or Suite, and in discharge of the Debt aforesayd, as he or they might do, if the faid I. had made to the faid T. W. a full and perfect Release of the Debt aforesaid, or of such Action or Suite, as by the faid Writing of Release before us in our Chancery brought.

fully is manifest.

And as the aforesaid T. H. by waies and meanes convenient, is ready to fet forth, yet the faid I. hath impleaded him the faid T. Hof and upon the faid Writing Obligatory of two hundred Pounds. in our Court before us, by our Writ of a Plea, that he should render unto him the faid two hundred Pounds: And for that, that the aforefayd T. H. had not in his hands the faid Writing of Release, to plead in Bar of that Action, but of the making of the faid Writing of Release, was then altogether ignorant, the Processe between him the faid T. H. and the aforesaid /. in the Action aforesayd, was continued, untill it was considered of before you, that the aforesayd 1. should recover against the said T. H. as well the said two hundred Pounds, as fix Pounds, for his Costs and Charges by him made about his Suite aforesaid in that behalfe expended : And the said I. in our Court before you, now lately doth unjustly prosecute the Execution, as well of the faid two hundred Pounds, as of the aforefayd fix Pounds. not to the little Damage and Grievance of him the faid T. H. And against the Force, form, and Effect, of the Writing Obligatory aforefayd, whereupon the faid T. H. hath humbly supplicated us, to provide a fit remedy for him in this behalfe: And because we are unwilling to Injure the faid T. H. in this behalfe, and willing to be done therein that which is just: Command you that hearing the Complaint. of him the faid T. H. and calling before you the Parties aforefaid, and others in this behalfe whom you frat think convenient to be called, and hearing from thence their reasons thereof, you cause fully and

and speedy Justice to be done to the faid T. H. as of right and econding to the Law and Custome of our Realme of England ought to be done: Witnesse my felfe at meliminsten, the fifth day of Ac.

in the two and twentieth years of our Raign.

And upon this the aforefayd T. H. in his proper Person came here in Court, and brought here in Court, the Writing of Release aforesaid. whereof in the Writ aforefayd mention was above made , the Date whereof is (fuch a day and yeare) above hyd: And (aith ... That that Writing was made at London, to the Parish of the bleffed Mere, of Bem in the Ward of Cheap : And prayeth a Writ of the Lord the King, to be disected to the Sheriffs of London, for him the field T. H. to cause the aforesayd I. H. here to come to answer the Premisses, and further to do and receive, that which the Court of the Lord the King shall consider of in this behalfe: And that the faid. Sheriffe in the mean time, may altogether supercede from further profecuting whatfoever Execution, by reafon of the recovery aforefaid by what loever Writ of the faid Lord the King, to them directed : And it is granted to him returnable here (fuch a day) &c. At which day, here came as well the aforelayd T. H. in his proper Perfor. as the faid I by L his Attorney : And hereupon the aforefaid T.H. prayeth, that the faid I, may answer to the Premisses in the Write specified, and that he may be discharged from making any Execution. whatfoever, by the reason of the recovery aforelayd, against him the faid T. H. &c. And upon this the aforefayed I. Defendeth the Force and Injury, when, &c. And faith, That the Writ and Declaration aforefayd, is not fufficient in Law to repell or retard him the faid I. from having and profecuting the Execution of the Judgment aforesaid, against the aforesaid T. H. And that he to that Writ and Declaration, in manner and form aforefaid, made and declared, hathno need, neither by the Law of the Land is tide to answer: And this he is ready to aven, whereupon for default of a sufficient Writ and Declaration, in this behalfe the faid I. prayeth Judgment and Execution of the Debt and Damages aforefaid, by virtue of the Judgment aforefaid, to him adjudged, &c.

AND the aforesaid T. H. out of that which he hath above in his Writ and Declaration aforesaid alleadged, sufficient matter in Law to repel or retard the aforesaid I. H. from having and prosecuting the Execution of the Judgment aforesaid, aganish him the said T. which he is ready to aver: Which said matter the said I. hath not denyed, nor bath answered any thing to it, but altogether refuseth to admit that Verification, requireth Judgment: And that he by virtue of the Writing of Release aforesaid, may be discharged from whatsoever Execution of the Judgment aforesaid against him, for the aforesaid I. as aforesaid rendred, &c. And because the Court will advise them-

Selves, Oc.

T T was commanded to the Sheriff, whereas out of the greivous com- An Audite plaint of Thomas Brisby of Ge. R. B. of, Ge. A. A. of &c. It Querela upon was thewed to the Lady the Queen complaining, that whereas in the Statute of the Statute of the Parliament &c. (reciting the Statute of Ufury) "Iny for Momore fully appeareth, and whereas one N. Williamfon (fuch a Day and yeare) at (. did lend unto one R. Bartram, ninety pounds for one yeare then next following: And that in confideration thereof. it was then and there agreed between him, the faid N. W. and the aforefaid, R. B. that the fayd N. W. should have in Gain and Profit for deferring and giving day of payment of the aforefaid ninety pounds for the time aforelaid, ten pounds to be paid to the faid N. together with the aforefaid ninety pounds, and also eighteen vards of black Frifes, of the price of every yard fixteen pence. Which fayd R. B. afterwards, (that is to fay) (fuch a day and year) at C. aforefaid. made his Testament, and appointed and ordained, Agnes the Wife of the aforesaid A. M. and one Thomas Bartram, L. B. and I. B. his Children Executors of his Testament aforesaid, and the same . A. and one W. L. Gent, Guardions of the aforefaid T. B. Son and Heire apparant of the Byd R. during the minority of the aforefaid T. and afterwards there dyed, after whole Death (that is to fay) (fuch a day and year) at C. aforefaid, it was agreed, between him the fayd N.W. and the fame A. A. and W. L. that the aforefaid N. W. fhould defer and give day of payment of the aforefaid ninety pounds of the principall Debr, and of the aforesaid ten pounds for the use aforelaid, from the end of the aforelayd year, for the payment thereof as aforefaid before agreed untill Wednesday next after the Feaft of Easter, then next following, and that the faid A. A. and W. L. or one of them, would pay to the fayd N. fix pounds thirteen shillings and four pence in Gain and Use, for deferring and givnig day of payment of the same ninety pounds of Principall Debt aforesayd, and ten pounds for the first use aforesaid, and also that A. A. and W. L. and the aforefayd T. Brisby, and R. B. Thould by Recognizance acknowledge before R. Mounton, then one of the Juffices of the fayd Lady the Queen of the Bench) themselves to owe to the aforesaid N. W. four hundred pounds, for the secure payment of the aforefayd ninery pounds of principall Debt aforefaid, and ten pounds for the first use aforesaid - and also of the aforesay d fix pounds thirteen shillings and four pence for the faid fecond Ufury aforfayd, on the afore. fayd VVednesday next after the fealt of Eafter, between the houres of one and four in the afternoon of the same day, which sayd severall fummes in the whole do amount unto one hundred fix pounds, thirteen shillings and four pence, whereupon the aforesaid T. Brisby, W. L. R. B. and A. A. (fuch a day and year) aforefaid at C. aforefaid ; before the aforefaid R. Mounston, did acknowledge il emfelves to

owe to the aforelayd N. W. the aforelayd four hundred pounds, for the fecure payment of the aforefayd one hundred fix pounds, thirteen shillings and four pence, on the aforetaid Wednelday next after the aforelaid Feast of Easter, according to the Form and Effect of the Agreement aforefaid. And so that Recognizance in form aforefaid acknowledged for the payment of the faid ninety pounds of principall Debt aforesaid, and of the aforesaid fixteen pounds thirteen shillings and four pence, for the use aforefaid, exceeding the Rate of ten pounds for a hundred pounds by the yeare, by virtue of the Statute aforesaid, published in the Parliament of the said Lady the Queene, in the fixteenth year of her Raign aforefaid holden, is void in the Law, as the Gid T. B. R. B. and A. A. by waies and meanes convenient are ready to make appear, the aforesaid N. VV. now lately hath unjustly profecuted Execution of the faid four hundred pounds, by reason of the Recognizance aforelaid, in forme aforelaid, acknowledged against them the faid T. B. R. B. and A. A. not to the little damage and greiveance of them the faid T. R. and A. Whereupon the faid T. R. and A. to the Lady the Queene, have supplicated to provide for them. a fit Remedy in this behalf, the faid Lady the Queene, being willing to do therein that which is just, and to exhibit full and speedy Justice therein to the faid T. R. and A. hath commanded the Justices here. that hearing the complaint of them the faid T. B. R. B. and A. A. and calling before them the parties aforefaid, in this behalf to be called, and hearing their Reasons thereof, they cause due and speedy accomplishment of Justice to the faid T. B. R. B. and A. A. as of Right. and according to the Law and custome of the Kingdome of the Lady the Queene of England, ought to be done, that they should cause to come here at this day (that is to fay) (fuch a day) to answer the aforfaid W. upon the premisses: And forther to do that which the Justices here shall think convenient to consider of; and now here at this day, came as well the aforefaid T. B. R. B. and A. A. by VV. B. their Attorney, as the aforefayd N. VV. by I. C: his Attorney, and hereupon the faid T. B. R. B. and A. A. fay, that the aforefaid N. W. fuch a day and yeare lent, &c. (as above untill) void in the Law, and this he is ready to aver, whereupon he prayeth Judgment, and that the aforefaid N: W. may be barred from having his Execution aforesaid, by virtue of the Recognizance, and Judgment thereupon in Court here had, and that the faid T: R; and A: may be discharged. thereof. &c. and hereu pon the aforesaid N: W: prayeth Liberty to. plead, oa H; 22. Eliz: Ret. 1229.

Audita Querelaupon an Elegit after Judgment in Scire facias, npon a Recognizance in Chancery.

Otherwise, as it appeares in the Terme of & last past, Rol 1301. it is thus contained, The Lady the Queene hath commanded her Justices here, her Writ close in these Words, Elizabeth by the Grace of God, &c. Whereas out of the greivous complaint of M. Esquire, that whereas

whereas W: B. Lord M. was feised in his Demesne as of Fee-tail (that is to fay) To him and his Heirs Males of his Body lawfully begotten. of coc. In the Moiety of the Mannors of B. and O. in N. and of the Moiety of certain Messuages with the Appurtenances in S. P. 7. VV. and N. in our County of VV. (that is to fay) Of the Moiety of one Feild called, in the Tenure or occupation of, &c. And the faid VV. being so thereof Seized, and likewife being seized in his Demesne as of Fee-tail (that is to fay) To him and his Heires Males of his Body lawfully begotten of, and in the Moiety of the Mannor of P. with the Appurtenances in the same County of VV. and of the Mojety of one Close containing, &c. in the said County of VV. And of the Moiety of the Mannor of B. VV. &c. VVith the Appurtenances in the County of D. and of the Moiety of the Mannor of U. with the Appurtenances in the County of D. and of the Moiety of the Mannor of M. with the Appurtenances in the County of C. The faid VV. Lord M. (fuch a day and yeare) by the name of, &c. And one C. B. and T. H. by the names of, &c. before us in our Court of Chancery, perfonally have appointed, have acknowledged, and every of them hath acknowledged themselves, to owe to the Lady E. M. of, &c. now Defendant, five hundred Pounds, which to the faid & they ought

to have paid in the Feast; &c.

Mannor

And whereas the aforesaid w. Lord M. being amongst other things in form aforesaid, Seized of the Moiety of the aforesaid Mannor of F. B. with the appurtenances in the faid County of W. (fuch a day and yeare at B. aforesaid, bath demised the same Moiety of the aforesaid Mannor of B. with the appurtenances amongst other things to the said M. F. to hold, &c Fully to be compleat and ended : By virtue of which Demise, the said M. into the same Moiety of the same Mannor of B. with the Appurtenances amongst other things entred, and was possessed; and she the said M. F. being lo thereof possessed, such a day and yeare at the Suggestion of one T. K. Executor of the Testament of the aforelayde E. In our Chancery, at W. in the County of M. then being made, that neither the faid W. Lord M. C. B. and T. H. nor any or them, should pay the faid five hundred Pounds, in the faid Recognizance contained; to the aforesaid E. in her life, or to her said Executors, after the death of the faid E. by a certain Writ out of our Court of Chancery aforefayd, then Issuing, and to our Sheriff of M. directed . We command Scire facias. the said Sheriff of our County of M. that he should cause the aforefaid w. and C. to know that they should be before us, in our faid Court of Chancery (such a day) then next to come, wheresoever it should then be to shew, if they had or knew any thing to say for themselves, wherefore the said Money ought not to be levied of their Lands and Chattels, and to the faid Executor to be freed according to the Form and Effect of the Recognizance aforesaid . At which said cight:

The yeturne.

eight daies of Saint Michaell, our faid then Sheriff of the faid County of M. (that is to lay) I. G. and R. T. to us in our faid Chancery. at the Castle of H. in our County of H. then being, did teturn the Writ aforefaid . ferved and executed, in form following (that isto (ay) That he the faid Sheriff, by virtue of that Writ to him directed. by J. B. and T. B. honest and lawfull men of his Bailiwick had canted the faid W. B. Lord M. to know that he should be before us in our faid Chancery, at the faid day in the same Writ contained, wherefoever it should then be, to shew, as that Weit in it did, &c. Demand and require, and that the aforefaid C. had nothing in his Bailiwick, where or by which he could cause him to know, neither was he found in the same; and afterwards (that is to say) In eight daies of the Purification of the bleffed Mary (fuch a yeare) in our faid Chancery at w. aforefaid, then being in the aforefaid Plea of caufing to know, &c. it was in such fort proceeded, that then by the Judgment of our faid Court of Chancery it was confidered of, that the faid Executor should have his Execution against the aforesaid W. Lord M. and C. of the aforesaid five hundred Pounds (that is to fay) Against the aforesaid VV. by default, and against the same C. by the proper confession of him the said C. as by the Record and Processe thereof, before us in our faid Chancery, refiding more fully appeareth: Whereupon afterwards (that is to fay) Such a day and yeare, at the request of the fayd Executor, in our fayd Chancery aforelayd, at W. aforelaid, being made our certain Writ of Elegit, iffued forth upon the Judgment aforesaid, out of our sayd Court, to our then Sheriff of W. directed; by which Writ we then commanded the then Sheriff of the fayd County of W. that he should cause all the Cattell of them the fayd W. and C. in his Bailiwick, by a reasonable apprizement. exceps the Oxen and Geers of his Carts, and also the moicy of the Lands of them the the fayd W. and C. in his fayd Bailiwick, by Extent thereof to be made to the fayd Executor or to his Attorney in that behalfe to be freed, and hold to him the fayd Executor or his Assignes, as their Freehold, untill the fayd five hundred pounds should be fully levyed: And as the fayd Sheriff should execute that Writ, caufing to be known in our fayd Chancery, at a certain day now past, in the same Writ contained, wherefore it should then be under his Seale distinctly and openly he should cause to appear: And although the moity of all the Lands and Tenements which were of the fayd W. Lord M. in the fayd day of the Recognizance of the Debt aforefaid, or any time afterwards, with the payment of the Debt aforelaid, of right are to be charged and ought to be charged, ver the faid Executor, although intending unduly to grieve the faid M, by reason of the Recognizance of the Judgment aforesaid, and him the said M. with the payment of the said five hundred Pounds, unjustly to oppresse; the Moiety of the Moiety of the aforesaid Mannor of B. and the aforesaid Mannor Mannor of O. with the Appurtenances in PV. and N. and the Moiety of the Moiety of the aforefaid Messuages or Tenements, with the Appurtenances in S. P. J. VV. and N. in our faid County of VV. (that is to fay) the Feilds aforefaid, Feilds called B. and C. the aforesaid Meadow called R. in the Tenure, de. which were of the aforesaid VV. Lord M. In the faid day of the acknowledgment of the Recognizance, omitting the Moiety of the Moiety of the aforesaid feverall Mannors of P. B: VV: C: P: V: and M: And the Moiety of the Moiety of the aforesaid Close in K: with the Appurtenances, which were to as aforefaid, likewife omitted the faid VV. Lord M. hath now lately procured the acknowledgment of the faid Recognizance. by extent thereof made by 7: H: Knight, Sheriff of our faid County of VV: to be freed to him for the Levying of the Debt aforefaid. to hold to the faid Executor and his Affignes, as his freehold, untill the faid five hundred Pounds should be fully levied, not to the little Damage and grievance of him the faid M: and manifest impoverishing of his estate:

Whereupon the faid M: hath supplicated us to provide for him a fit remedy in this behalfe : And he being willing to do to the faid M. in this behalfe that which is just; command you that hearing the Complaint of the faid M, in this behalfe, and calling before you the aforefaid parties and others, whom in this behalf you hallthink convenient to be called, you canse speedy accomplishment of Justice to be done to the said M. which of right and according to the Law and custome of our Kingdome of England ought to be done: VVitnesse, &c. Hereupon (such a day) in this same Terme came here in Court the aforesaid M. by T. his Attorney, and prayeth the Writ of the Lady the Queen, to be directed to the Sheriff of the aforefayd County of W. to cause the aforesayd T. K. here to come to answer upon the premises; and further to doe and receive that which the Courte of the Lady the Queene of that should here consider in this behalfe: And to himit is granted, returnable (fuch a day, &c.) At which day here came the aforefaid M. by his Attorney aforefaid, and puts himself the fourth day against the aforesaid T. K: of The award of the Plea aforelaid, and he came not, and the fheriff, (that is to fay) the Scire fa-I. H: Knight, now returned, that the fayd T: K: had nothing in his Bailiwick, by which he could be attached, and hereupon it is testified here in the Court, on the behalf of the fayd M: that the aforefaid T: K: hath fufficient in the City of London whereby he may be attached; therefore it is commanded to the Sheriffs of London, that they cause to come here (Such a day) the aforesaid T: K: to answer upon the premisses; and further to do in form aforesaid, &c: The same day is given to the aforefaid M. here, &c: At which day there came as well the aforesaid M: by his Attorney, as the said T: K: by N: K: his Attorney, and the Sheriffs of London (that is to fay) P: H: and P: B:

Liberty of Speaking.

now returned, that the aforefaid T: K: is attached by I: C: and R: K: pledges, and hereupon the aforefaid T: K: prayeth liberty of pleading, &c: the same day, &c: At which day, here came as well the aforesaid M: as the aforesaid T: K: by their Attorneys aforesaid and hereupon the faid M: as before prayeth, that the aforesaid T: K: may answer the premises in the aforesaid Writ of hearing the complaint above specified, &c:

A Demurrer to the Writ.

N D the aforesaid K: prayeth Judgment of the Writ aforesaid. because he sayth, that the same Writ and the matter in the same contained is not sufficient in Law to discharge the said M: from the Execution aforefavd in that Writ, specified by him the said T.K: so as aforesaid prosecuted, and that he hath no need, neither by the Law of the Land, is held to answer to that Writ, and the matter in the same contained, and this he is ready to aver, whereupon for want of sufficient matter in the same Writ contained, the said T: prayeth judg-

ment of that Writ, &c.

And the aforefayd M. for that he hath above declared sufficient matter in Law in his Writ aforesaid, to discharge him the sayd M. of the Execution aforesaid, in forme aforesaid prosecuted, which he is ready to aver, and which fayd matter the aforefaid T. K. hath not denyed, neither hath answered any thing to it; prayeth Judgment, and that his Writ aforelayd may be adjudged good: And that the aforefayd T: K. may answer to the premises in the Writ aforefayd contained, &c. And because, &c. At which day here came, as well the aforesaid M. as the aforesaid T. K. by their Attorneys aforesaid : And hereupon the premises being seen, and by the Justices here, fully un-Judgment for derstood; it seemeth to the Court here, that the aforesaid Writ of the Plaintiff in Hearing the complaint, and the matter in the same contained, is suffi-Audita querela cient in Law to discharge the aforesayd M. of the Execution in that VVrit specified by the aforesayd T. K. so as aforesaid prosecuted, as the aforesaid M. above hath alleadged: Therefore it is considered of. that the aforefayd moity of the aforefaid Mannor of B. with the appurtenances, by the aforefayd VV. Lord M. to the faid M. fo as aforefayd demifed, may be discharged from the Execution aforesayd: and that the Lands of the aforefayd T. K. may be amoved from his possession thereof: And that the aforesayd M. to his possession aforefayd, of the moity of the aforefayd Mannor of B. with the appurtenances, and also to the Issues and Profits of the same moity of that Mannor by the aforefayd T. K. by reason of the Execution aforefayd in the mean time perceived, may be restored, &c. It is also considered of, that the aforesaid M. may recover his Damages, by reason of the premises, against the aforesayd T. K. But because it is unknown what Damages the aforefayd M. hath fustained by that occafion, nor what, nor how much Issues and Profits the aforesayd T. K.

hath

hath received in the mean time aforesaid, of the aforesayd Moiety of the faid Mannor of B. with the Appurtenances; it is commanded to the Sheriff, that by the Oath, &c: He may inquire as well what Damages the aforesaid M. hath sustained by reason of the Premisses, as what, and how much Issues and profits the fayd T. K. in the mean time hath received of the Moity of the aforesaid Mannor of B, with the Appurcenances, and the Inquisition which, &c. The Sheriff make appear here (fuch a day) under his Seal, and their Seales, &c. H. 36. Eliz. Rot. 1 229.

W. brought an Audita Querela, upon the Statute of Usury, to Judgment up-I make void a Judgment given upon a Bond, where he had pleaded on an Audita that it was not his Deed, and it was disallowed, and Judgment there- Querela, that upon as followeth, And hereupon the Premisses being seen, and by the the Pliantiss
Justices here, more fully understood; it seemed to the same Justices should take nothere the storesaid Writ of hearing the Complaint and the matter here, that the aforesaid Writ of hearing the Complaint, and the matter writ, in the same contained, was insufficient in Law to bar the said R, from having his Execution aforesaid, by Reason of the Recognizance aforefaid, Therefore it is considered of, that the aforesaid I. W. take nothing by his Writ of hearing the Complaint, and that the aforesaid R. may prosecute for the Execution if, &c. P. 26, Eliza, Ret. 560.

E LIZABETH by the Grace of God &c. To the Sheriff of Supersedeas; Staffordsbire, Greeting: Whereas we have commanded our upon a writ of faithfull and well beloved James Dyer, and his Affociates, our Justices Audita Queof the Bench, that out of the greivous complaint of Henry C. lately of rela. W. in your County Gentleman, we have received, that Hugh W. lately in our Court, before our fayd Justices of the Bench aforefaid, at VVestminster, in the Tearm of Easter in the second year of our Raigne, by our Writ had impleaded the faid Henry of that, that he the faid Henry should render to him the said Hugh, forty shillings, which to him were then behind, of an yearly Rent of forty shillings, which to him he had owed, as it was fayd, and processe thereupon between the parties aforesaid continued, untill it was considered of before our sayd Justices of the Bench aforesaid, by the consideration of our Court aforesaid, that the said Hugh should recover against the said Henry the yearly Rent aforesaid, and the Arrerages of the same as well before the day of the issuing forth of the Originall Writ of the sayd Hugh, as incurring after; which in the whole did amount to one hundred shillings and his damages by reason of the detaining of the yearly Rent aforesaid to a hundred shillings, by our Court aforesaid adjudged : And now on the behalf of the faid Henry we have received, that although the aforesaid Hugh by the name of H.W: of C: in the County of Stafford, after the rendring of the Judgment aforesaid, and before the

the Execution of that Judgment by his certain Writing, the Dane whereof is the tenth day of Aprill, in the first years of our Raign. had released, not only the faid Annuity or yearly Rent, and the whole Right and Tirle which he then had in the faid Annuity or yearly Rent, or to or in the Lands or Tenements, of which the faid yearely Rent Issued, or ought to Issue; but also all Actions, Suits, Executions, Judgments, and demands, which the aforefaid Huch then had or ought to have against the faid Henry, his Heires, Executors or Administrators, by any Matter, thing, Cause, or Complaint, from the beginning of the World, untill the day of the making of the aforefaid Writing, as by that V Vriting before us in our Chancery brought and thewed fully appeareth, as the faid Henry by waies and meanes convenient, is ready to make appeare. Yet the faid Hack by reason of the Judgment aforesaid, for the said Annuity or yearly Rent and Damages, intending to Grieve, Vex, and Molest him the faid H. before the faid Justices in our Court of the Bench aforesaid. now lately bath unjuftly profecuted a certain VVrit of Exigent to facisfic against the aforesaid Henry, for the a foresaid Annuity or yearly Rent and Damages, not to the little Damage and grievance of him the faid Henry, and against the Force, Form, and Effect, of the aforefaid VVriting of Releafe. VVhereupon he hath humbly intreated us to provide for him, by us, a fit remedy, and because we are unwilling injury should be done to the faid Henry in this behalfe, and being willing therein to do that which is just, we have commanded to our faid Justices, that hearing the Complaint of the faid Henry in this behalfe, calling before them the aforefaid Hugh, and feeing the Record and Processe of the Annuity or yearly Rent and Damages aforesaid, of the VVriting and Release aforesaid, and the same Parties examined in the Premiffes, they cause full and speedy Justice to be done to the faid Henry, as of right and according to the Law and custome of our Kingdome of England should be done.

And because the VVriting aforesaid, in our Court before our Justices asoresaid, at VVestminster, was seen, and to them shewed; we command you, that you cause to come before our said Justices, at westminster in the morrow of All-Soules the aforesaid Hugh, to answer upon the Premisses, and to receive that which our same Court shal then think convenient to consider of in that behalfe: And in the mean time, you altogether forbeare further to do, require, out-law, take, or any way molest, him the said Henry, with any Execution by reason of the recovery aforesaid, by any VVrit of ours to you thereof directed, by reason of the Premisses: And as this our Precept shall be Executed, you make it appeare to our said Justices at the aforesaid Terme: And have you there this VVrit,

witneffe, &c.

B it remembred that the Lady ELIZ ABETH now The Entry of Queen of England, the seventeenth day of June, in the second a writ of Adyeare of her Raign; hath fent to her Justices of the Bench, jornment. bere het VVrit clos'd in these words.

Elizabeth, &c. By virtue of which VVrit, all Pleas, VVrits, Bils Precepts, and Processe, and other the Premisses whatsoever; before the fuffices here in the aforefaid eight, fifteen daies and three weeks. of the holy Trinity, or any of them, or any other day, from thence, and from the aforesaid eight daies of the holy Trinity returnable, or having day from the same eight daies: And the same day untill the aforesaid eight daies of Saint Michael, are adjorned : And the Parties in the faid Pleas, VVrits, Bills, Precepts, and Processe, untill the faid eight daies of Saint Michaell, before the Justices here are prefixed: It is moreover commanded to all Officers and other Ministers whatfoever, of the Kingdome of the Lady the Queen of England that they respectively retain in their power, all and every the VVrits. Bills, and Precepts, before the Justices here, in the faid eight, fifteen dayes, and three weeks of the holy Trinity, or in the mean time, or from thence and from the said eight daies of the holy Trinity at any day returnable, and those things at the aforesaid eight daies of Saint Michaell upon the same VVrits, Bils, Precepts, and Processe. they may proceed, and the Processe thereupon made: And all those VVrits, Bils, and Precepts, and other the Premisses in the said eight, and fifteen daies, and three weeks, of the holy Trinity, or in the mean time at any day from hence, and from the aforelaid eight daies of the holy Trinity, or in the mean time at any day certain, shall be returned without adjornment, &c.

O the Sheriff of N. Greeting, you shall attach T. H. of B.in Attachment for I your County, Gentleman, fo that you have his Body before our the King. Justices at VVestminster, in eight dayes of Saint Hillary, to answer us of certain contempts, Trespasses, and Misdemeanours by the said Thomas, in our Court committed: And you have there, &c.

ND hereupon the said 7 G. and 7. L. doe challenge the Array challenge to I of the Pannell aforesaid, because they say, that that Pannell was the Array, bearrayed by one R. P. Efq; late Sheriff of the County aforesaid, cause the She-Cousen of the aforesaid T. D. (that is to say) Son of E. Sister of riff is cozen to the Plaintiff. A. the Mother of the faid T. D. And the same D. doth allow thereof, and faith, That he cannot deny, but that the aforesaid R, is Cousen of him the faid T. D. in form aforesaid: Therefore it is considered of, that that Pannell may be quashed and held for nothing, &c.

And it is commanded to the now Sheriff, that he cause to come here in eight days of Saint Hillary, twelve, &c. To acknowledge in form aforesaid, &c. M. 14. H. 7.

Challenge to the array, at

T which day the Jurors between the parties aforesaid. Plea aforefaid, was respited thereof between them here untill this the Nifiprius. day (that is to fay from the day of Saint Michael in 15 days then next following unlesse the Justices of the Lord the King, affigned to take the Affizes in the County a forefaid, by the form of the Statute, &c. On Wednesday next after the Feast of Saint John the Apostle next past, at D. in the County aforelaid should first come, and now here at this day came as well the aforefaid I. as the faid To and A. by their Attornyes aforefaid, and the faid Justices at the Assizes before whom, &c. Have Array quashed here sent their Record in these words, Afterwards, &c. Therefore it is confidered of, that the faid pannel may be quashed, amoved, and held for nothing, and hereupon the aforefaid I. faith, that he is one of the Coroners of the Lord the King, to be in the County aforesaid, and prayeth the Writ of the Lord the King directed to I. E. the other Coroner of the Lord the King in the same County, of causing to come here a new twelve, &c. to try the Issue aforesaid, &c. And because the aforesaid T. and A. have not denyed this, it is granted to him, &c. felf and prayeth Therefore it is commanded to the aforesaid I. E. the other of the that the Veni- Coroners of the Lord the King in the County aforesaid, that he cause refacias, may to come a new here in eight dayes of Saint Hillary twelve, &c. And who neither, &c: To acknowledge in form aforesaid, so that the aforefaid 1: the other of the Coroners, &a: do intermeddle himself in nothing therein, &c. M: 2. H. 8. Rot. 610.

A Coroner Plaintiff, challengeth himbe directed a new to the other Coroner.

Challenge to the Array because it was mination of the Plaintiff.

Free the Processe continued between the parties aforesaid, of the Plez aforesaid, by the Jurors thereof, is respited between them untill this day (that is to fay) from the day of Easter in fifteen days made by Deno- then next following, and now here at this day came as well the aforefaid T. S. as the afore aid I. K. and I.H. by their Attorneys aforefaid. and the Jury thereof impannelled likewife came, and hereupon the aforelaid I. K. and I. H. challenge the Array of the faid first pannel. which endeth in I. B. Because they say, that that pannell was arrayed by T. T. Esq. late Sheriff of the County aforelaid, and his Ministers, in favour of the afore[aid T. S and at his Denomination, which [aid Challenge by Tryers to these chosen and Sworn, is tound to be true, therefore that pannell may be quashed and held for nought, and it is now commanded to the Sheriff of the County aforesaid, that he cause to come anew here from the day of Easter in fifteen dayes, twelve, &c. To recognize in Form aforfaid, &c. And it is likewi e commanded to the faid now Sheriff, that he have at the same Term, the Bodies of ten Jurors, by him the faid now Sheriff, into this Jury here at this day

anew.

anew, put and impannelled, the same day is given , &c. T: 8. H: 8: Rot: 607.

N Dof this he puts himself upon the Country, and the aforesaid A challenge to F: in like manner, and upon this, the faid F: faies, that one the Sheriff and E: Leighton, Esquire, is now the Sheriff of the County aforesaid, one of the Cowhich said E: Leighton, is Consin of Elizabeth, now the Wife of him roners by the the faid F: that is to fay the Son of 1: L: the Son of T: L: Knight, Easter Terme the Son of I: L: the Son of Anne Leighton the Daughter of I: S: thetenth yeare Knight, Father of C: S: Mother of I: B: the Mother of E: M: Mother of the aforesaid E: And also that he the said Francis, is one of the Coroners of our Lady the Queen, in the County aforesaid, and for these causes, prayes a Writ of our Lady the Queen, that now is. to caufe to come here twelve, &r: To G: H: W: W: and R: H: the rest of the Coroners of our said Lady the Queen in the County aforefaid to be directed, and because the aforesaid T: doth not gainsay it, It is granted unto him, &c. Therefore Command is given to the aforesaid, G.H. W. W. and R. H. that they cause to come here five Weeks after Easter, twelve, &c. by whom, &c. and who neither, &c. to recognize, and because as well, &c. at which day here came the parties, oc. and the aforesaid G. H: W: W: and R: H: have not sent their Writ: therefore as formerly, it is commanded G: H: W: W: and R-H: that they cause to come here on the morrow after the Holy Trinity twelve, &c. to recognize in form aforesaid, &c.

the of the Queen.

Account.

Was summoned to answer W. of a Plea, that he render unto In account a-A. him his reasonable account of the time that he was the Receiver gainst a Receiof the Money, of him the fayd W. Gc. And whereupon, Gc. he faith, ver of Money That whereas the aforesayd A. was Receiver of the Moneys of him the at severall fayd W. from (fuch a day) untill fuch a day and yeare: And by times. the same time received of the Moneys of him the sayd VV. (that is to fay) at C. by the hands of the same VV. fixty pounds : And there by the hands of one R. ten pounds, to render a reasonable account thereof to the fayd VV. when he should be thereunto required, yet the fayd A. although often required, hath not yet rendred his reasonable account aforesayd, to the sayd VV. but hitherto hath denyed to render unto him the same, and yet doth deny; whereupon he faith,

And the aforesayd A. defendeth the force and injury when, &c. And that the fayd VV. his Action, &c. because he faith, that he was Bailiff of the atorefaid VV. of one Messuage, with the appurtenances in S. from the fayd (fuch a day) untill (fuch a day and yeare) aforesaid: And by the same time, had the care and administration of the

purtenances, and power of apprizing and letting of the Lands and Tenements aforesaid with the Appurtenances, and by that time to gather in and receive the Rents and Profits, for those Lands and Tenements, to the use of the said w. by which the said A. by the time aforesaid, did receive the said fixty Pounds, of the Lands of the said w. by the hands of the said w. and by the hands of the aforesaid R. the said ten Rounds, as Bay! If of the aforesaid w without this that the same A. was Receiver of the Money of the said VV. in manner and form as the said VV. by his Declaration above hath supposed: And this he is ready, &c. Judgment if, &c. And the said VV. saith, That he ought not to be barred, &c. because he sath, That the aforesaid A. was neceiver of the Money of him the said VV. by the time aforesaid, as, &c. And this he prayeth, &c. H. to. I.Ret. 612.

An Account against a Bailiss I of an Office, Ba and receiver of Moneys.

A. was Summoned to answer B. D, of a Plea that he render to him his reasonable account of the time in which he was his Baylist in E. and Receiver of the Monies of the said B. &c. And whereupon, &c. That whereas the aforesaid A. was Baylist of the said B. of his Office of the Constable of his Castle of D. in the County aforesaid, from (such a day) untill (such a day and year) Having by the same time the care and Administration of the Office aforesaid, and of all and singular the Issues, and Profits, coming as well of that Office, of the Custody of all the Forrests, Parks, VVarrens, and other places, to the said Office pertaining: And by the same time had received of the Monies of him the said Plaintist, by the hands of one 1. S. at D. ten Pounds, to merchandise and make the profit thereof, of him the said B. and to render a reasonable account to the Plaintist of the time, Issues, Profits, and Monies, aforesaid, when he should be thereunto required, yet the said A. although, &c.

Receiver of moneys to merchandize.

The Defendant acknowledgeth the Action, and Auditors assigned by the Court.

No Baile upon confession.

And faith, that he cannot deny the aforefaid action of the aforefaid Plaintiff, neither, but that he was Bayliff of the faid Plaintiff of the Mannors aforefaid, by the time aforefaid, neither, but that he ought to account with the aforefaid Plaintiff of the time and monies aforefaid, the form in which the faid Plaintiff hath above declared against him, and further the faid Defendant saith, that he is ready to account thereof, &c. Therefore it is considered, that the aforefaid Defendant may account with the said Plaintiff, &c. and hereupon A. and B. in the presence of the said Defendant, are assigned Auditors, by the Court here, to hear the Account; which said Auditors have given day to the parties aforefaid before them at W: on Friday next after eight days of Saint Hillary next to come, &c:

Ormerly as it appeareth in the Tearm of Saint Hillary, in the thir- Ifue in acteenth year of the now Lord the King, it is thus contained, Lincoln count after ff. C. Coney lately of , &c: to answer T. Frank of a Plea that he render Auditors afto him his reasonable Account, &c: and whereupon, &c:

Court, and the Defendant bai-

When, &c: And faith, that he never was Receiver, &c: And of led, this, &c: because as well, &c: After the processe thereof continued, &c: Unless, &c: Afterwards at the day and place, &c: And the Judgement in Jurors, &cc: therefore it is confidered of, that the aforefayd C: shall account after account with the aforesaid T. of the time and monyes aforesaid, and country. he be in mercy, because he did not account before, &c. Afterwards (that is to fay) the thirteenth day of February (in such a yeare) The Capias to it was commanded to the Sheriff of L. that he should take the afore- account awarfayd C. C. if, &c. and him fafely, &c. So that he might have his bo ded. dy here at this day (that is to fay) from the day of Easter in one moneth then next following, to account with the aforefaid T. F. of the time in which he was the Receiver of the Moneys of the fayd T. whereof he is convicted: And now here at this day came, as well the aforesaid T. F. by his Attorney aforesaid, as the aforesaid C. C. in his proper person (by vertue of a Writ of the fayd Lord the King, of The Defendant a Capias to account, taken) here brought to the Barr, and commit- for want of ted to the Prison of the fayd Lord the King, of the Fleet, by reason bail, is commitof the premiles, there to flay untill, &c. And the fame C. faith, That ted to the Fleet he is ready to account thereof with the aforefaid T. F. &c.

And hereupon O. G. Gentleman, R. T. Gentleman, are affigned Auditors af-Auditors by the Court here, to heare the Accompt aforesaid, which signed. faid Auditors on Munday the two and twentieth day of June (in fuch a veare) at three of the Clock in the afternoon of the fame day at the Office of R: Brownlow, cheife Prothonator of this Court in the inner Temple London, have Affigned to the faid C: to account with The Defendant the faid T: F: And hereupon N: T. of, &c: T: H: of, &c. Perfonally here in Court appointed, undertook for the aforesaid C: in the Sum of one hundred Pounds: And the faid C: likewise present in the same Court, did assume for himselfe, in the Sum of two hundred Pounds, that he the faid C: would appear before the faid Auditors at the aforesaid Office of the cheife Prothonator, at the aforesaid day and houre above affigned: And fo from day to day, at every day and place by the aforesaid Auditors, to be assigned untill the account aforesaid should be ended : And also that he would appear before the Justices of the said Lord the King here, at the day by the fame Auditors to the faid C: And for the faid T. limitted, when the faid Auditors should deliver their account here in Court, and so from day to day, at every day of the Plea, untill the Plea therof hould be determined, and Judgment thereof should be rendred, and to

veild i

yeild himselfe to the Prison of the Fleet, of the faid Lord the King. untill he should fatisfy the Arrerages upon him found, if Judgment should happen to be given against him, which said one hundred Pounds, the aforesaid N. T. and T. H. have acknowledged, and both of them hath acknowledged to be made of the Lands and Chattels of either of them : And which said two hundred Pounds, the aforesaid C. hath acknowledged to be made of his Lands and Chattels, and to the use and behalfe of the said T. F. to be levied, if it should happen the aforesaid C. to make default at any day of the Plea or Judgment to be given against him : And if the faid C. should not render himfelfe upon the faid Judgment, to the Prilon aforesaid, there to stay in the same, untill he should satisfy the Arrerages upon him found. &c. At which Munday (that is to fay) the aforefayd twenty third day of June, at three of the Clock in the afternoon, of the same day aforesaid, at the aforesaid Office of the sayd R. B. in the inner Temple, came as well the aforesaid R. T. by his Attorney aforesaid, as the aforesaid C. in his proper Person, and the atoresaid, G. and R. T, then likewise came : And the same Auditors on the aforesaid twenty third day of June, do render the account of the aforesaid C. of the faid hundred Pounds, before them, at the fayd day, and houre. and place, the Tenor whereof followeth in these words. The Account of C. C. late of, &c. before O. G. and R. T. Auditors.

The account before Audi. tors.

to heare that account in the Court of him the fayd Lord the King. before his Justices of the Bench at Westminster, in the County of Middlesex, by the same Court assigned, of the time in which the said C. was Receiver of the Monies of T. F. (that is to fay) from the twentieth day of May, in the fixth year of the Raign of the fayd now Lord the King, untill the first day of D. in the twelfth yeare of. &c. The same Accomptant rendreth his account of one hundred Pounds : Whereof in the faid Court at the fuit of the aforesaid T. he is convicted, to account of the Monies of him the faid T. by the same C. by the time aforesaid, at C. in the aforesaid County of Lincolne, by the hands of one A. S. Esq; received to render a reasonable account thereof to the faid C. when he should be required; the same C. pray-Payment plea- eth allowance of the aforefayd one hundred Pounds, and faith, That ded before the he ought to be discharged thereof, because as to twenty Pounds of Auditors, and the fayd one hundred Pounds, he faith, That he after the aforefayd The thereup twentieth day of M. in the fixth yeare aforesayd, and before the sayd first day of D, in the twelfth yeare abovefaid (that is to fay) The twentieth day of I, in the fixth yeare aforesaid, at B. aforesaid, paid to the fayd T. the fayd twenty Pounds, to the proper use of him the fayd T. And this he is ready to aver, and thereof requireth allowance: And that he may be thereof wholy discharged, and asto seventeen pounds of the aforesaid one hundred Pounds likewise parcell, he the same C, saith, That after the aforesayd twentieth day of

"by accoming d. AS to the vell-

SOURCE NOW THE OWNER

of M. in the fixth yeare aforefaid, and before the faid first day of D. in the twelfth yeare above laid (that is to fay) The twentieth day of A. in the fixth years aforefaid, at B. aforefaid, paid to the faid T. the faid feventeen Pounds, to the proper use of him the faid T. And this he is likewise ready to aver; and prayeth allowance of the same seventeen Pounds, out of the said one hundred Pounds likewife parcell: And that he may be thereof likewife discharged. 60. Des A.T. rewife of becomme leave 2 to daine Lodi de.

And that fixty three Pounds refidue of the fayd one hundred Pounds. the fayd C. faith, That he after the fayd time in which it is supposed, him the faid C. to have received the fayd one hundred Pounds (that is to fay) (fuch a day and yeare) at B: aforefaid, by the appointment and command of him the fayd T. paid the faid ... S. the faid fixty three Pounds, refidue of the aforefaid one hundred pounds. And this likewise he is ready to aver, and prayeth allowance of the same fixty three Pounds, residue of the aforesaid one bundred Pounds: And that he may be thereof wholy likewise difthe give of the Courch aforelaid, and by the lame time 1,8% theoreth

And the faid T. F. faith, That the aforefaid twenty Pounds of the Replication: faid one hundred pounds, which the aforefaid C. supposeth himselfe to have paid to the faid T. on the faid twentieth day of 7. in the fixth yeare abovesaid, the same T. saith, That the aforesaid twenty Pounds, nor any Monies thereof, ought not to be allowed to the faid C. because he faith, That the aforefayd C. hath not paid unto the faid T. the same twenty Pounds, nor any penny thereof, in the form in which the faid C. hath above alleadged : And this he prayeth may be inquired of by the Country, and the faid C. likewife, and as to the aforesaid seventeen Pounds, of the said one hundred Pounds, which the aforefaid C. supposeth himselfe to have paid to the faid T. on the faid twensieth day of Airin the fixth yeare abovefaid, the faid T. faith, That the aforefayd feventeen Pounds. nor any penny thereof, the faid C. ought not to be allowed, because he faith, That the aforesaid C. hath not paid to the same T. the said feventeen Pounds nor any penny thereof, in the form, in which the a forefayd C. hath above alleadged: And this he likewife prayeth that it may be inquired of by the Country, and the faid C. likewife : And as to the faid fixty three Pounds, relidue of the aforefayd one hundred Pounds, which the faid C. supposerh himselfe to have paid to the faid A. S. on the faid (fuch a day and yeare) at B. aforefaid, by the appointment and command of him the faid T. he faith. That the faid fixty three Pounds, Trelidue of the aforefayd one hundred Pounds nor any penny thereof yought not to be allowed to the aforesaid C because he saith. That the aforesaid C. hath not paid to the faid A. S. the fayd fixty three Pounds, nor any penny thereof, in the form in which the aforefaid C, hath above alleadged: And

And he likewise prayers that it may be inquired of by the Country, and the aforesaid C. likewise: Therefore as so try as well that Issue as the aforesaid other Issuer above joyned; it is commanded the Sheriff, that he cause to come here in eight daies of Saint Michaell, twelve, &c. Trin. 15. Jan. Rot. 769.

In Account for a Guardian of a Church against a Guardian.

Tof the Church of S. Was summoned to answer T. I. and W. R. now Guardians of the Church; of a Plea, that he render to them his rensonable account, from the time in which he was Guardian of the Church of S. and Receiver of the Monies and Goods of the same Church of S.

And whereupon, &c. they say, That whereas the aforesaid T. D. was Guardian of the Church aforesaid, from the Feast of E. (in such a yeare) untill the Feast of E. then next following, and by the same time having the care and Administration of the Goods and Parochiall Ornaments of the same Church, and Receiver of the goods and Monies of the Church aforesaid, and by the same time had received of the Moneys of the same Church, by the hands of, &c. Late Guardians of that Church, by the hands of, &c. Late Guardians of that Church, one Fodder of Lead, to render an account thereof, to his Successors, Guardians of the said Church: Yet the said T. D. although often required, bath not yet rendred his account of the time, Monies, and Goods, to the said now Guardians, but the same to them hitherto. &c.

Fully accounted, pleaded.

And the said Desendant by, &c. And saib, &c. Because he saith, That he after the aforesaid time, in which it is supposed, him the said. T. D. to have been Guardian of the Church aforesaid, and Receiver of the Monies and Goods aforesaid (that is to say) such a day and years, at S. aforesaid; did fully account with the aforesaid I. T. and W. of the time, Monies, and Goods aforesaid. And this, &c. if Judgment, &c. The Plaintist saith, That he did not fully account, M. 2. Jac. Rev. 3304.

As to part fully ascounted, as to the residue, not informed,

F a Plea that he render to him his resonable account, from the

And the said Desendant by, &cc. When, &cc. And as to ten Pounds of the aforesaid twenty Pounds, which the said Plaintiss by his Deela-ration aforesaid, above supposeth him the said Plaintiss, his Assion ought not, &cc. Because he saith, That he said Plaintiss, his Assion ought not, &cc. Because he saith, That he said Plaintiss, his Assion ought not, &cc. Because he saith, That he said refer the aforesaid time in which it is supposed, him the said A. to have been Receiver of the said G. of the Monies aforesaid (that is to say) such a day and years, at B. aforesaid, did fully account with the said G. of the time aforesaid, and of the same ten Pounds: And this, &cc. If Judg-

ment

ment, 8cc. thereof ought to have, &cc. And as to ten pounds Refidue; of the faid twenty pounds which the aforefaid G. by his Declaration aforefaid above, hath supposed him the faid . Within the time aforefaid to have received, the faid Actorney of the faid A. faith, that he is not informed . &c. (as in Debt) thereof undefended, therefore it is confidered of, that the faid A. shall account with the aforesaid G. of the same ten pounds, and of the time aforesaid, and the same A. from thence in mercy, &c. because he did not before account thereof, &c. But the account of the faid A. from thence is respited untill the Plea aforefaid, for the faid twenty pounds, be ended, &c. And the aforelaid G, as to the aforelayd Plea of the faid A, as to the faid ten pounds of the faid twenty pounds (by him the faid A. within the time aforefaid, received) above in bar pleaded, he faith, that he by any thing in the same plea before alledged, ought not to be barred from having his Action aforesaid, thereof against him the said A. because he faith, that the aforefayd A, hath not accounted with him the faid G. of the fame ten pounds, and of the time aforefaid in the form in which the faid A. hath above alleadged, and this he prayeth may be inquired of, &c. Tr. 11. fae. Ror: 2120.

Mercy. The account respited untill,

I. late of , Ge. to answer T. T. and E. his Wife of a plea, that Against a Bai-Is he render to them his reasonable account from the time in which laft of Tenehe was Bayliff of the faid E. whilft the was Solo in F. and Receiver of ments, and Re the Monies of her the faid E. &c. And whereupon, &c. they fay that ceiver of Mawhereas the aforefaid G. was Bayliff of her the faid E. whilft the was Sole of one Meffuage, three Acres, &c. with the Appurtenances in F-A. (fuch a day and yeare) untill (Such a day and year) and by the same time, having the care and Administration of the Tenements aforelaid, with the Appurtenances; and to receive the Rents and profits therof, and likewise was Receiver of the Monies of her the said E. and by the fame time had received of the Monies of her the faid E. (that is to fay) at F. aforefaid, by the hands of one I. S. five pounds and eight shillings, and there by the hands of one I. H. nine pounds and eighteen shillings to render a Reasonable account thereof to the faid E: when he should be thereunto required yet the faid G. although often required his re fonable account aforefayd, to the fame &: whilf the was Sole. or to the same T. and E. after Espousals between them celebrated hath not yet rendred, but hitherto hath denyed to render to them the fame and yet doth deny, whereupon he faith, that he is dereriorated, & c. His. 18. 7ac. Rot. 3259.

V . of &c: to answer E. S. of a Plea, that he render to him his Against a joynt reafonable Account from the time in which he was the Bailiff occupier of of the faid E. in O. &c. and whereupon, &c. That whereas the afores Graine. fayd W. (fuch a day and year) at O. was Bailiff of him the faid B. of

fixteen

fixteen Care Load of Wheat of the price of twenty pounds to the common profit of them the faid Board W. in the cultody of him the faid W. being out of the Delivery of the same E. and having the care and Administration of the aforesayd sixteen Care Load of Wheat, to render his Reasonable Account, &c. Required, &c. H. 24: Elizi Rota 714:

And whereupon, &c: that whereas the said Defendant (such a day, year, and place) was Builist of him the said Plaintist from (such a day) untill (such a day) and by the same time, having the care and Administration of divers Goods and Chattells of him the sayd Plaintist, and the sayd Desendant between them equally, to their common profit to be divided (that is to say) of, &c: to the value of forty pounds, to merchandize, and render his reasonable account thereof, when &c: Required, &c: H. 13: Jac: Rot: 1943:

Alwayes ready to renderhis Account. h how the faid G.

He aith, that he always was, and yet is ready to render an Account to the faid D of the faid monies above excepted, and prayeth to be admitted to make an Account thereof, So. Therefore the faid R. may account thereof, but it is respited untill the Residue of the Plea be ended, So.

Against a Reterver of Moneys to pay the same to Servants for Wages.

And whereupon, &c. that, whereas the faid Defendant (fuch a day and yeare) at G. did receive of the Monies of him the faid A. by the hands of I. F. twenty marks to pay to the Servants of the faid A. for Wages, Fee, and Sallaryes, due to the same Servants at (such a Feast) then next following, to render his reasonable account thereof, & c. M. 16. H. 8. Rot. 523.

An Account against a Bailiff of a Hundred.

Hat he render to him his rea onable account from the time in I which he was Bailiff of the Liberty and Franchise of him the said A. of his hundred and half of C. likewife of the Mannors, Lands, and Tenements of bim the laid A. of B. R. & H. &c. And whereupon &c. he faith that whereas the laid Defendant was Builiff of him the faid A. of the Liberty and Franchise of him the faid A, of his hundred and half of C, and likewife of the Mannors of him the faid A. of B. R. and H. and of the Lands and Tenements (that is to fay) of twenty Messuages, &c. with the Appurtenances in B. H. and R. aforfaid. (from fuch a day) untill (fuch a day) and by the fame time having the care and Administration of the Execution and Return of all. and fingular Write, Warrants, and Precepts, and of pereiving, and receiving of all Fees, Advantages and Profits, by reason of the Execution and Return of the same Writs, Warrants, and Precepts, in and within the aforesaid hundred and half, and in and within the aforesayd Mannors, Lands, and Tenements, and within every parcell thereof: And also of the receiving perceiving and collection of all fines, redemptions Mues.

Issues, and Forfeitures, and Amerciaments, and Concords, for licence of fines, and likewise of all and all manner of Goods and Chartells of Felons, Fugitives, Outlawries, Waive actions, condemnations, and Actaints, and of all convictions, either put in the Exigents for Felony or Treason, and also of the Chattells of Felons of themselves, and of all Deodands, Wrecks of the Sea, Treasure found, and of all other Goods and Chattels which are called Waives and Straves and also of all profits happing and arifing of Fines, and Amerciaments of Evafions, and Efcapes of all and finguler Felons and Prisoners, from what prisons soever within the aforesaid Hundred and half, and the Mannors, Lands, and Tenements with the Appurtenances to the use of him the said A. and to make the profit thereof of him the faid A, and to render a reafor nable account thereof when, &c, required, yet the faid Defendant. although, &c. P. 13. H. 8. Ret. 522.

A ND the fayd Defendant by, &c. when, &c. and faith, That the Barr in account faid Plaintiff, his Action, &c. ought not, becanfe he taith, that he where the Dewas Receiver of the Moneys of him the faid Plaintiff, from (fuch a fendant faith day) untill (fuch a day) and by the same time had received of the that he was Re-Moneys of him the fayd Plaintiff in his Declaration aforesaid specified, ther time then of which faid Moneys, the faid Defendant on the faid (fuch a day in the Declaraand yeare) aforesaid, at W. in the County of M. (before ?. L. then tion, and that Auditor of the faid Plaintiff, by the same Plaintiff assigned to heare for that time the Account of the faid Defendant at W. aforesaid) did fully ac- before audicount with the aforesaid Plaintiff, of the Moneys and time aforesaid; tors, without without that the fayd Defendant was Receiver of the Moneys of that, &c. the aforesaid Plaintiff, from the aforesaid (such a day and yeare) aboyesaid, untill the aforesayd (such a day) then next following, as the afore aid Plaintiff by his Declaration aforelayd, above hath supposed: And this, &c. if Judgment, &c.

be did account

Ught not to be barred, &c. because he faith, That the sayd De- Replication. Jiendant was Regiver of the Moneys of him the fayd Plaintiff, from the aforesaid (fuch a day and yeare) untill the aforesaid (such a day) then next following, as he above bath declared against him: And this he prayeth, &c.

A ND the fayd Defendant by, &c. when, &c & fith nothing in bar sail nothing of the Action aforesaid of the faid Plaintiff, by which the same in Account. Plaintiff remaineth thereof undefended against the said Defendant ; Therefore it is considered of, that the sayd Defendant may account with the aforesaid Plaintiff of the time and Moneys aforesaid; and that he be in mercy, because he did not thereof before account, &c. gracified, N. and A. may hot Covening to change inquient

the war made, and the war the stage with the stage and the charm with Ancient The forme of levying a Fine in ancient Demelue. A the Court of John, Abbot of the Monastry of the blessed Mary of Grace, neer the Tower of London, of his Mannor of Gunshill there holden the twenty fourth day of June, in the one and twentieth year of the Raign of King Henry the eighth, before A.B. C.D. and F.G. Suitors of the same Court, according to the Custome of the Mannor aforesaid, time out of minde, there used, &cc. At this Court came John T. and E.T. in their proper persons, and delivered here into Court, a certain Writ of our Lord the King, of Right close, against N.D. and John his Wife, to the Bailiss of the aforesaid Abbot directed, and according to the custome of the Mannor aforesaid, to be determined; the tenor of which VVrit

followeth in these words:

Henry the eighth by the grace of God, &c. (as in the Writ Verbatim) Teste the twenty fourth day of June, in the one and twentieth year of his Raign, And the aforefavd I.T. and E. T. doe protest to projecute that Writ, in the nature and forme of a Writ of Covenant at the Common Law, to levy a Fine from thence; and pray processe thereof to be made for them, according to the Exigence of the Writ aforefayd, and according to the Custome of the Mannor aforesaid, against the aforefaid N. and I. And they found pledges of profecuting their Writ aforesaid (that is to say) T. B. and W. S. Therefore according to the Custome of the Mannor aforefaid, it is commanded to T. B. under-Bailiff of the aforefayd Abbot, of his Mannor aforefaid, and Minister of the fayd Court, that he summon, by good Summoners, the aforefayd N. and 7. that they be here at the next Court (that is to fay) at G. aforefayd, on Friday next after the Feast of Saint John the Baptist, next to come, before the Suitors of that Court, to be holden there, to answer the aforesaid J. T. and E. of the plea aforesaid, according to the custome of the Mannor aforefayd : The fame day is given to the aforefayd J. T. and E. here, &c. At which fayd Court here (that is to fay) at G. aforefayd, on the fayd Friday, in the one and twentieth year of the Raign of the aforefayd King, before the aforefayd Suitors of the same Court, according to the custome aforefayd held, came as well the aforefayd J. T. and E. as the aforefayd N. and I. in their proper persons: And the aforesayd T. B. under-Bayliff of the Mannor aforelayd, and Minister of the sayd Court, likewise came, and testified here in Court, that he summoned the fayd N. and I, to be here at this day, to answer the aforefayd John T. and Edmund in the premiles (that is to fay) John Doo, and Richard Roo, &c. And hereupon the aforefayd J. T. and E. in the same Court, pray that the sforefaid, N. and J. may hold Covenant to them. them made, of the fayd Messuage, Forty Acres of Land, Forty Acres of meadow, ten Acres of Wood; and two shillings of rent, with the Appurtenances in G. &c. as in the Writ of right close, and the faid M. and I. pray liberty thereof, of concording with the aforelaid I. T. and E. T. and they the faid I. T. and E. T. give to the Lord Abbot. for that licence of concording with the aforesaid 2, and I, three shillings and four pence, de. Whereupon the finall Concord between the parties aforesaid, is made here in full Court, of the Meffuages Lands and Tenements with Appurtenances, in form following (that is to fay I that the aforefayd N. and I. (she examined alone as the manner is) do acknowledge the Messuages and Tenements aforesaid with the Appurtenances, to be the Right of the aforelaid 1. T. as that which the aforesaid I. T. and & have of the gift of the aforesaid N. and I. and that have remifed and quiet claimed from them the faid Nichelas and Johan, and the heires of the favd Johan, to the favd I. T. and E, and the heires of him the fayd J. T. for ever: And moreover they the fayd N. and Johan, have granted for them, and the heires of the favd Johan, that they will warrant the Messuages and Tenements aforefaid, with the appurtenances, to the favd I. T. and I. and the heires of him the fayd J. T. against all men for ever: And for this Recognizance, Remission, quiet claime, Warranty, Fine, and Concord, they the fayd J. and E. have given to the aforefaid N. and J. ten pounds of Silver, &c.

Affise.

T Estmerland ff. The Affife comes to recognize, whether T. An Affife W. Knight, L. W. unjustly and without Judgement have brought for deseized, H. Earle of Cumberland, of his Common of Pa- Common of Pahore in R. which pertaines to his Free-hold in R. within fure for a l thirty yeares, now last past, &c. And whereupon the faid Earle, mamer of Catby H. D. his Attorney, Complaines that the aforesaid T. W. hath deseized him of his Common of Fasture ; to witt, for Commoning, every years, all times of the years, in five hundred Acres of Pasture, with the Appurtenauces in R. aforefaid, with all Horfes, Oxen, Cows. Swine, and Sheep, and other Cattell and living Creatures, in his Mannor of R in the County of R. Levant and Couchant, which pertains to his free-hold in R. that is to ay, To his Mannor aforesaid: And for the Title of the Common of Pasture aforesaid, and the Assis aforesaid thereupon to be had, the said Barle saith, That one M. lately Earle of Cumberland, Father of him the faid now Earle, whole Heire he is, was Seized of the Mannor aforesaid with the Appurtenances, in his Demesne as of Fee: And that he the faid late Earle, and all they whose Estate the faid late Earle, in that Mannor with the appurtenances, had from the time whereof the contrary is not extant in the memory of man, have had, and have been accustomed to use and

and have for themselves and their Tenants, for Terme of life, yeares. or at will, of their Mannor aforelaid, and of every Parcell thereof. Common of Pasture, with the Cattell and Annimals aforefaid, in the Mannor aforesaid, Levant and Couchant, every yeare, all time of the year, on the aforelaid five hundred Acres of Pasture, as unto the Mannor aforesaid pertaining: And he the said late Earle, of the Mannor aforesaid with the Appurtenances, being so Seized of fuch his Estate, he dyed therof Seized; after whose Death, the Mannor aforefayd with the appurtenances, did discend to him the faid now Earle, as to the Son and Heire of the aforesaid late Barle, by which he the faid now Earle, into the Mannor aforesaid, with the appurtenances, did enter, and was, and yet is thereof Seized in his Demelne as of Fee : And being fo thereof Seized, he the faid now Earle before the day of the Issuing forth of the Originall Writ of the Affile aforesaid, put his Cattell, that is to say, two Oxen and two Horses. in the aforesaid Mannor, Levant and Couchant, on the aforesayd five hundred Acres of Pasture, to feed upon the Graffe there then growing tiling his Common aforefayd : And the faid Cattell were eating the Grasse there then growing; untill the aforesayd T. before the day of the Issuing of the foresayd Writ, him the said now Earle. of his Common of Pasture aforesaid, unjustly and without Judgment did diffeife a he above against him hath complained: And this he is ready to aver, and thereupon demands the Affife, &c.

And the aforesaid T. by I. P. his Attorney, cometh and saith, That he hath done no injury or disseize to the aforesaid now Earle, of the Common of Pasture aforesaid, in the aforesaid five hundred Acres of Pasture in view, &c, put, and in the Plaint aforesaid specified: And upon this he puts himselfe upon the Assis, and the aforesaid now Earle in like manner: Therefore the Assis is to be taken thereupon,

between them, &c.

Affife.

P Leas of Assizes at the Castle of Exon in the County of Devon, on Thursday in three Weeks after the Quadrigessime, in the fourth year of the Raign of Edward the sixt, by the Grace of God; King of England, France, and Ireland, Defender of the Raith, &c. Before Humfrey Brown Knight, and I:H. Knight, Justices of the Lord the King assigned to take the Assizes in the County aforesaid, &c.

Assise against three which plead several-

THE Assize come to recognize if John Gilos Gent. W. G. Gent. and R. P. Esq; unjustly, &c. have disseized N: C. Esq; of his Free hold in great Toton within thirty years, &c. And thereupon the said N. in his proper Person doth complain, that they have disseized him of one Messuage with the appurtenances, &c.

in Doministrations, have beduend a rechest are formed to

For the past bis his two characters of re-A Nd the aforesaid I. W. and R: by U: C: their Attorney come, The Adjourn. A and thereupon for certain Caules and Confiderations, the Justices ment of the here moving, the Affize aforefayd, is adjourned before the same Justi- Affice. ces at Westminster, in the County of Middlesex, in the Exchequer Chamber, there until Thurfday next after fifteen dayes of Easter next infuing, the fame day is given to the parties aforefayd there . &c: At which day at the Exchequer Chamber aforefayd, came as well the faid N: by A: B: his Attorney as the said 7: VV: and R: by their At- Non-Tenure, torney aforesaid, and the said R: saith, that he is not, neither at the and if, &c. day of the issuing forth of the original Writ of Assize aforesayd, nor 1, Tenant, any time afterwards, was Tenant of the freehold of the Meffuage aforefaid with the Appurtenances in the aforesaid Writ of Assize named, and this he is ready to aver, whereupon he desires Judgment of that Never seized. Writ, &c. And if, &c. then he the faid R; faith, that the aforesaid if, &c. N: never was feized of the Meffuage aforefaid, with the Appurtenances of fuch an Estate, so that he might thereof be diffeised, and if, ou: then the faid R: faith, that he hath done no injury or Diffeilin to the faid N: of the Meffuage aforefaid, with the Appurtenances, and of No wrong, &c. this he putteth himself upon the Assize, and the aforesid N: likewife: therefore let the Affize thereof between them, be taken, &c: and the aforefaid I: answereth, as Tenant of the freehold of the Mefsuage aforesaid, in view of the Recognizors of the Affize aforesaid put, The second and in the plaine aforefaid specified with the Appurtenances, and as to Tenant anthe third part of the faid Messuage with the appurtenances in three swers as Teparts divided, he saith, that the aforesaid third part with the appur- nant in anci-tenances is held of R: C. as of his Mannor of great Toton, in the County part. aforelaid, which Mannor is of ancient Demelne of the Crown of the Lord the King of his kingdom of England, and that the aforesaid third part with the appurtenances is pleadable, and hath been pleaded in the Court of the Mannor aforesaid by a petty Writ of the Lord the King of right close, from the time of the contrary of which the memory af man is not Extant, and this he is ready to aver, whereupon he prayeth Judg- Bar by feoffment if the Court of the Lord the King here, wil acknowledge the Plea ment. thereof, and asto the Moiety of the Relidue of the aforesaid Messuage with the appurtenances, the faid I. faith, that the faid Affize thereof between him and the aforesaid N. ought not to be made, because he saith, that one N. S: was seized of the said Moiety with the appurtenances in his Demelne as of Fee, and being thereof fo feized of the same moiety with the Appurtenances did infeot one A. P. to hold to him and his Heires for ever, by virtue of which Feoffment, the what Effate's faid A. was thereof feized in his Demelne as of Fee, the state of which The Colour. fayd A. of, and in the moiety aforefaid with the Appurtenances the faid I now thath, and the faid N.C. claiming the moiety aforelayd with the Appurtenances

Bar by feeff-

ment pleaded

The Colour.

nances by colour of a certain Writing, of demife, to him thereof made for Term of his life, by the aforelaid N. S. whereas none of that Moiety with the appurtenances into the Possession of the aforesaid N: C. by that Writing ever paffed)into that Moiety with the Appurtedanees, did enter: Upon the possession whereof of the faid N. C. one G. M into the Moiety aforelaid, with the Appurtenances, did enter upon the Poffession thereof of the faid Ma. G. the faid I. into the moiery aforefaid, with the Appurtenances, did re-enter, as it was lawfull for him, and this he is ready to aver, whereupon he requires Judgment, if the Affize thereof between him and the faid N. C. in that behalf ought to be made, our. And as to the Residue of the Mesfunge aforefaid with the Appurtenances, the faid I. faith, that the Affize between him and the aforefaid N. ought not to be, because he to the residue. faith, that one I. P. was seized of that Residue with the Appurtenances in her Demeine as of Fee, and being thereof fo feized of the refidue thereof with the Appurtenances, did infeoff one R. K. R. R. D. Is and T. P. to hold to them and their Heires for ever : By virtue of which Feoffment the layd R. R. D. and T. were thereof Seized in their Demelocas of Fee: The estate of which said R. R. D. and To of and in that refidue with the appurtenances, the faid I now bath : And the afore aid N.O clayming that residue with the appurtenances, by colour of a certain Writing of Demile, to him thereof made for Term of his life, by the faid Johan, whereas none of that refidue with the appurentances, into the Possession of the layd N. C. by that Weiting ever paffed, into that refidue with the appartenances; did enter apon whose Possession thereof, of the faid N. C. the faid G. M. into that refidue with the appurtenances, did enter, upon whose Possession thereof, the fayd G. M. the fayd I, into that residue with the appurtenances did necenter, as it was lawfull for him a And this he is ready to aver, whereupon be requires Indgment, if the Affife thereof between him and the aforefaid N. C. in this behalfe ought to be made. ou.

The Tenant answereth as Tenant by another Tenant.

The Plaintiff never seised within thirty years of part.

And the aforefald W. Gilos, answereth as Tenant of the Free-hold. of the Messuage aforesaid with the appurtenances: Without that, that the faved I. and R. have any thing in the (ame, and faith, That the Affife between him, and the aforefaid N. C. in this behalfe ought not to be made, because as to the third part of that Messuage, in three parts divided, the faid W. faith, That the aforefaid N. C. was never Seized of that third part with the appurtenances, within the aforefaid thirry yeares, of such an Estate; so that he might thereof be diffeized . And this he is ready to aver, whereupon he requireth Judgment, if the Affise thereof between him the sayd W. and the aforefaid N. C, in this behalfe, ought to bee made,

And as to the Moiety of the residue of the Messuage aforesaid with the

the appurtenances, the faid w. faith . That one Richard wolffon was Serzed of the same Moiety with the appurtenances, in his Demelie as of Fee: And so thereof Seized of that Moiety with the appurtenances, did Infeoff one A. P. to hold to him and his Heires for ever: By vittue of which Feofiment, the faid A. was thereof Seized in his what Effate. Demelne as of Fee; the efface of which faid Ann, of, and in the Moiery aforefayd with the appurtenances, the faid w. now hath, and the aforesaid N. C. clayming the Moiety aforesaid with the apputtenances, by colour of a certain Writing of Demile, to him thereof made for Tearm of his life, by the faid R. Wolston, whereas none The Colour. of that Moiery with the appurtenances, into the Possession of the aforefaid 2. C. by that Writing ever paffed, into that Moiety with the appurtenances, did enter upon the Possession of which faid N. C. thereof one M. G. into that Moiety with the appurtenances, entred upon the Possession thereof, of which said M. G. the said w. into the Moiery aforefaid with the appurtenances, did re-enter, as it was lawfull for him: And this he is ready to aver, whereupon he requires Judgment, if the Affize thereof between him and

the aforefaid N. C. in this behalfe ought to be made, &c.

And as to the relidue of the Meffuage aforefaid with the appur- Bar by diftent tenances, the faid W. faith, That one T. Haxte, and H. D. were in tail to the Seized of that residue with the appurtenances, in their Demesne as residue. of Fee, and fo thereof Seized, gave that relidue with the appurtenances, to one T. Pomery, and A. his Wife, and the Heires of their Bodies Gift intail. Issuing, by which Gift, the said T. and A. were thereof Seized in their Demelne as of Fee-tail : And fo thereof Seized, the faid T. P. dyed, and the faid A. overlived him, and was Seized of that residue with the appurtenances, in her Demesne as of Fee-tail, by right of accrewing, &c. And to thereof Seized, dyed thereof Seized, after the death of which faid A, that refidue with the appurtenances, did discend to one R. P. as Son and Heire of the Bodies of the faid T. Discent. P. and A. Issuing, by virtue of which the faid R, into that residue with the appurtenances entred, and was thereof Seized in his Demeine as of Fee-tail, by form of the Gift aforefaid: And fo thereof Seized of that relidue with the appointenances, he did infeoff the layd w. Giles, to hold to him and his Heires for ever : By vierue of which Feoffment, the laid W. G. was thereof Seized in his Demefne as of The colour, Fee: And the favd N. clayming that refidue with the appurtenances, by colour of a certain Writing of Demile, to him thereof made for Tearm of his life, by the aforefaid T. H. and H. whereas none of that refidue with the appurtenances, into the Pollession of him the faid N. C. by that Writing ever paffed, into that refidue, with the appurtenances, did enter upon the Possession thereof, of which faid N. C. one G. M. entred upon the Possession thereof, of which Taid G. the faid W. into that refidue with the appurtenances, did re-en-

ter, as it was lawfull for him : And this he is ready to aver, wherenpon he requires Judgment, if the affine thereof between him and the aforefaid N. C. in this behalfe ought to be made, &c.

Election of the Tenant.

ND, the aforesaid N.C. saith, that the aforesaid W. G. is, and the aforefaid day of the Issuing forth of the Writ of Assize aforefaid, was Tenant of the Freehold of the whole Meffuage aforefaid with the Appurtenances, without that, that the aforesaid John hath any thing in the same and as to the aforesaid Plea of the said I. G. above in bar pleaded, the faid N. C. faith, that that Plea is not fufficient in Law to have precluded him the laid N. C. from his Affize aforesaid against him , and that he to that Plea in manner and form aforefaid pleaded, bath no need, neither by the Law of the Land is held to answer, and this he is ready to aver, whereupon he requires Indgment, and that he may proceed to take the Affize thereof, between him and the aforesaid I: G. o. And as to the Plea aforesaid of the fayd VV. G. above in bar of the Affize aforefaid pleaded, the faid N. C. faith, that he by any thing in the fame Plea before alleadged from his Affize aforelaid, against the fayd VV. ought not to have been precluded, because as to the aforesaid first Plea, of the sayd VV.G. to that the Plain-the laid third part of the Melluage aforefaid, with the appurtenances in tiff was feized the same first Plea of him the sayd W. G. above specified, N. C. saith, that he himself was seized of the fame 3 part with the appurtenances withiu

Ilue taken. within thirty yeares. the aforesaid 20. years of such an estate so that he might thereof be dis-

Title by difcent in Fee.

them be taken &c. and as to the aforefaid second Plea of the faid VV. G. to the aforefaid refidue of the moiety, refidue of the Meffuage aforefaid with the appurtenances, in the same second Plea of him the faid VV. G. above specified, the faid N. C. faith that one C: VV well was leized of the aforefaid moiety of the residue aforesaid, with the appurtenances in his Demelne as of fee, and so thereof feized dyed therof leized, after whose death the same moiety of the residue aforesaid with the appertunances did discend to one 1: C:as son & heir of the faid Christian, by virtue of which, the faid I. into the same moiety of the refidue a orelaid, with the appurtenances, did enter, and was thereof leized in his Demelne as of fee, and fo thereof feized of fuch Effate thereof dved by protestation seized, after the Death of which said I: The second dif- C. the said moiety of the residue aforesaid, with the appurtenances cent by protesta did discend to the faid N: C. as next of Kindred and Heir of the faid I. C: by which the faid N: C: into the aforesaid moiety of the residue aforefayd, with the appurtenances entred, and was thereof feized in his Demesne as of see, untill the aforesaid I: G: VV: G: and R: P: him the laid N: C: thereof unjustly: &c: did diffeize, as the faid N: C: above against them complaineth, and this he is ready to a-

feized, and of this he putteth himself upon the Affize, and the aforelaid, KV Giles in like manner, therefore let the Affize thereof between

tion.

ver, whereupon he requires Judgment, and that he may proceed to the taking of the Affize thereof aforefaid between him the faid N. C. and the aforesaid VV: G: &c: And as to the third Plea atoresaid of the faid VV; G: to the aforesaid relidue of the Messuage aforesaid with the appurtenances, in the same third Plea of him the said W. G: Title by difabove specified, he the said N: C: by protestation, not acknowledging that the faid T: Hexte: and H: D: have given that refidue with the appurtenances to the faid T: P: and A: to hold to them and their Heirs of their bodies iffuing, in manner and form as the faid I G. above hath aleadged for plea, the faid N:C: faith, that one C:W: was feized of the aforesaid residue with the appurtenances in his Demesne as of Fee, and so thereof Seized, dyed thereof by protestation Seized, after whose Death the fayd residue with the appurtenances, did discend to one ?. G. as Son and Heire of the fayd C. by vertue of which the faid T. into the same residue with the appurtenances, did enter, and was thereof leized in his Demesne as of Fee, untill the aforesaid A, and R.P. the aforesayd J. C. to the use of the layd A. thereof unjustly. Deffeisin to as Go. did diffeize, Go: By vertue whereof the lame A. was feized of that residue, with the appurtenances, in her Demesne as of Fee, by diffeifin, &c. and fo thereof feized by diffeifin, the same A. dved thereof feized, after the death of which fayd A. the same refidue with the appurtenances, did discend to the sayd R. P. as Sonne and Heire of the aforefayd A: by vertue whereof the fayd R. P. into that residue with the appurtenances did enter, and was thereof seized in his Demesne as of Fee: And afterwards the aforesaid I. C. dyed, af- The Diseisor ter whose death the said N. C. as next of consanguinity, and heir of dying, the Heir the said 1. C. into that residue with the appurtenances, did enter, for enters, and was thereoffeized in his Demeine as of Fee, untill the aforefaid I. G. W. G. and R. P. now Tenants, him the faid 2V. C thereof unjufly oc. did diffeize, and this he is ready to aver, whereupon he requires judgment, and that he may proceed to the taking of the Affize thereof between him the faid N. C. and the aforefaid, W. G. &c.

And the aforesayd W. G. as to the aforesaid first title of the sayd The Affice to N. C. to the aforesaid moity of the aforesaid residue, with the ap- be taken upon purtenances, in the same first title of the sayd N. C. specified, he re. the first title quires, that upon the aforesaid title of the layd N. C. the Affize may Pleaded. be taken between him and the afore and N. C. to the afore faid moity of the residue aforesaid, &c. And the aforesaid N. C. in like manner. therefore upon that title let the Affize be taken between them. &c. And the aforesaid W. G. as to the aforesaid second title of the afore- Forthe second fayd N. C. to the aforesaid residue of the Messuage in the view of nant doth the Recognitors of the Assize aforesaid put, and in the Plaint aforesaid maintain bis specified, with the appurtenances, as before he faith, that the afore- Bar, and trafayd T. H. and H. D. were feized of that residue with the appurte- verses the Diff. nances, in their Demelne as of Fee, and so thereof seized, did give feifin.

cent in Fee.

of the Difei-

that relidue with the appurtenances to the faye T. P. and A. his wife. and the heires of their bodies islaing, by which gift, the layd T. P. and A. were thereof feized in their Demene as of Feerale and fo thereof feized the fayd T. P. dyed : And the aforefayd A, him overlived, and was feized of that refidue with the appurtenances, in her Demelne as of Fee-taile, by right of accrewing, &c. and fo thereof feized dved, after whole death, that refidue with the appurrenances did difcend to the layd R.P. as Son and heire of the bodies of the fayd T. P. and A. issuing, by vertue whereof the fayd R. P. into that refidue with the appurtenances, did enter, and was thereof feized in his Demefne as of Fee-taile, by force of the gift aforefaid, and fo thereof feized of that refidue with the appurtenances, did Infeoff one W.G. to hold to him and his Heirs for ever; by virtue of which Feofment the fayd VV. was thereof Seized in his Demelne as of Fee, as he above hath alleadged, without that, that the aforefaid A, and R. P. in the aforesaid third Plea of the fayd VV. G. specified, unjustly, &c. diffeize the aforefave I. C. of the aforefaid refidue of the faid Meffuage with the appurtenances, in manner and form as the aforefave N. C. above hath alledged: And this he is ready to aver, whereupon as before he requires Judgment. And that the aforesaid N. C. from his Affise aforesaid, thereof against him to be had, may be barred. roc.

And the aforesaid N. C. as before saith, That the aforesaid A: and R. P. unjustly, &c. Did disseize the aforesaid I: C: of the aforesaid residue of the aforesayd Messuage with the appurenances, as he above hath alleadged: And this he requires that it may be inquired of by the Assize: And the aforesayd W: G: in like manner: Therefore let the Assize thereof between them be taken, &c. And thereupon the last Assize aforesaid is adjourned before the aforesaid sustices of the Lord the King, assigned to take the Assizes in the County aforesayd, at the Castle of Exon aforesayd, until Munday the twenty first day of susy next to come: Therefore it is commanded to the Sheriss, that he resummon by good Summoners, the Recognitors of the Assize aforesaid, that then they be there to make acknowledgment of that Assize: And in the mean time, &c: The same day is given as well to the aforesaid N: C, as the aforesaid I: VV: and R: P: now Temants there, &c:

The Affize ad-

Resummons awarded.

Assize against two and both of them say, that he is sole Tenant, and the Plaintiff theo for Tenant,

The Assize came to Recognize, if Edward Earle of Derby and I. Aunsell, unjustly, &c. have disserted, J. Newdigate of his Free-hold in H. within thirty yeares, &c. And whereupon the same I. N. by John Bill his Attorney, doth complain, that they have disserted him of thirty Acres of Pasture, and soure Acres of More, &c. And the aforesaid Earle and I. A. by G. H. their Attorney, came, and the same Barle saith, that he is sole Tenant of the Free-hold, of

the Tenements aforefaid, in view of the Recognitors of the Affize Sole Tenancy aforesaid put, and in the Plaint aforesaid specified, with the appurte- by one pleaded, nances : And requires Judgment of the Writ of Affize aforefaid; because he saith, That those Tenements, in the view of the Recog- The Tenants nitors aforesaid put, and in the aforesaid Plaint specified, with the are in another appurtenances are, and the day of the obrayning of the Writ aforesaid, Village, and were in Hillingdon in the County aforefaid, and not in Herfeild afore- if, &c. Then no faid, as by the fayd Writ above is supposed: And this he is ready wrong to the to aver, whereupon he requires Judgment of that Writ, &c.

And if it, &c. Then the same Earle faith; That he bath done no Injury or Diffeizin to the aforefayd I. W. of the Tenements aforefayd, with the appurtenances: And of this he putteth himselfe upon

the affize,&c.

And the aforefayd I. A: faith, That he is fole Tenant of the Free- Sole Tenancy hold, of the aforefaid Tenements, in the view of the Recognitors, of by the second the assize aforesaid put, and in the Plaint aforesaid specified, with Tenant pleaded the appurtenances : Without that, that the aforesaid Earle hath any thing, or the day of the obtaining of the Originall Writ aforefaid, or any time afterwards had in the same : And as to the thirty acres of Pasture, and fifteen acres of Wood of the aforefavd Tenements. with the appurtenances, the faid 1. A. requires Judgment of the Writ of affize aforesaid, because he saith; That the same thirty acres of Pasture and fifteen acres of Wood with the appurtenances are; and Part of the the aforesaid day of the obtaining of the Originall Write of affize Tenements are aforesayd, were in Culham, in the County aforesaid, and not in Her-lage &c. And feild aforesaid, as by the Writ aforesaid above is sopposed: And if, &c. Thenno this he is ready to aver, whereupon he requires Judgment of that wrong to the Writ. &c. And if, &c. Then the fame I. A. faith, That he bath done Plaintiff. no Injury or Desfeizin of the same thirty acres of Pasture and fifteen acres of Wood with the appurtenances, to the faid I. N. And of this he putteth himselfe upon the affize, &c.

And as to the whole refitue of the Tenements aforesaid with Bar by discent the appurtenances, in view of the Recognitors aforesayd put, and with what Ein the Plaint aforefayd specified, the faid I. A. faith, That the fate. affize thereof between him and the aforefaid I. N. in this behalfe. ought not to be made, &c. Breause he saiet, That one T. late Earle of Derby was Seized of the same residue with the appurcenances. in his Demesne as of Fee, and so thereof Seized of such his Estate thereof, afterwards dyed thereoffeized, after whole death, that refidue with the appurrenances, did discend to the aforefaid now Earle.) as Son and Heire of the aforefaid late Earle, by which the faid now Earle, into that refidue with the appurtenances entred, and was thereof Seized in his Demesne as of Fee, whose Estate of the said now Earle, of and in that refidue with the appurtenances, the fayd I. A. The Colour. now hath in the same : And the aforesayd I. 2V. (clayming that

refidue

residue with the Appurtenances, by Colour of a certain Writing of seoffment to him thereof made by the aforesayd late Earl for the Tearm
of his Life; whereas none of that residue with the Appurtenances in
the Possession of the aforesayd I. N. by that writing ever passed) into
that residue with the Appurtenances, upon the possession of the aforesaid I. A. did enter upon the possession thereof, of which said I. N.
one H. Hart did enter upon the possession thereof, of which said H.
H. the sayd I. A. in the same residue with the Appurtenances, did reenter as it was sawfull for him, and this he is ready to aver, whereupon he prayeth Judgment, if the Assize of that Residue, with the
Appurtenances, between him and the aforesayd I. N. ought to be
done.

Election of the Tenant.

And the day of the obtaining of the Originall writ of Affize aforelaid (that is to lay) (such a day and year) was Tenant of the Free hold of the Tenements aforesaid, in the view of the Recognitors, of the Assize aforesaid put, and in the plaint aforesaid specified, with the appurtenances, and that the sayd I. N. to the Plea of the aforesayd I. A: above pleaded, by the Law of the Land is not held to answer, &c. And as to the aforesayd Plea of the aforesayd now Earl in cassation of the Writ aforesaid, above pleaded, the sayd I. N. saith, that his Writ aforesaid, for the reason in the same Plea before alleadged, ought not to be quashed, because he saith, that the Tenements in view of the Recognitors of the Assize aforesayd put: And in the Plaint aforesayd specified, with the appurtenances, are, and the aforesayd day of the obtaining of the Originall Writ of Assize aforesayd, were in Herfeild aforesaid, as by the Writ aforesaid above is supposed,

The Habeas corpora.

And this he prayeth may be inquired of by the Affize, and the aforesaid Earl in like manner, therefore let the Affize thereof between them be taken, &c. but that Assize is to remain to be taken here untill Twelday next after the Feaft of All Saints, for default of Recognizors, because none came, therefore the Sheriffmay have their Bodys. co. And in the mean time, co. at which day here came as wel the aforefavd I. N. as the aforefaid Earl , & I. A. by their Attornys aforefaid . and thereupon the Asilze aforesaid, remaineth to be taken here untill Thursday next after the Feast of All Saints, for default of Recognisors because none came, therefore let the Sheriff have their bodies che. and in the mean time, coo, at which day, here came as well the aforefavd I. N. as the aforesaid Earl and I. A. by their Attornys aforesaid : and the Recognizors thereof impannelled and exacted, likewife came and thereupon the aforefaid Barl challengeth the Array of the Affize aforesaid, because he saith, that the aforesaid Earl is, and the day of the obtaining of the Writ of Affize aforefaid, and before was one of the Noble men and Peers of this Kingdome, having a place and voice in everv

every Parliament of the fame Kingdom, and that the Array of the Affize aforefaid was by T. O. and W. H. late Sheriff of the fayd Counto of Middlefex, no Knight in the same pannall of Array being named or returned, as it ought to be, according to the Law of this Kingdom, and this he is ready to aver, whereupon the favd Earl requires Judgment, and that the pannell aforefaid may be quashed, &c.

N Dehe aforesaid I. N. saith, the said Challenge to the Array The Plaintiff of the Pannel of the Affize aforefaid, by him the faid Earl a- demursin Law bove alleadged is not sufficient in Law to quash the Array of that pan- to the Chalnell and that he to that Challenge in manner and form a forefaid, above alleadged, hath no need neither by the Law of the Land is held to anfeer and this he is ready to aver, whereuopn he prays Judgment, and that the Array of that pannell may be affirmed &cc.

A ND the aforefaid now Earl, for that he bath above alleadged fofficient Challenge to quash the Array of the pannell aforefaid which he is ready to aver, which faid Challenge the aforefaid I. N. hath not denved, neither bath answered any thing to it, but altogether refuseth to admit of the verity thereof, therefore the aforesaid now Earl prayeth Judgment, and that the Array of that Pannell may be quashed, &c. And because the Justices here will advise themselves of. and upon that challenge, before they give Judgment thereof. Day is given as well to the aforesaid I. N. as the aforesaid now Earl, and likewise to the said I, ... and also to the Recognizors aforesaid now here appearing, untill Thursday next after eight days of Saint Martine, next to come, of hearing their Judgment thereof in that that the Justices here thereof not yet, &c. At which Thursday, here came as well the afor aid I. N. as the aforesaid now Earl, and I. A. by their Attorneys aforefaid, and the atorefaid Recognizors exacted likewife came, and upon that the Challenge aforesaid of the said now Earl, the array of the pannell of Affize aforefaid being feen, and by the Justices here more fully understood, it seemeth to the faid Justices here, that the Array of that pannell of Affize in manner and form iforefaid by the faid late Sheriff of Middlefex, arrayed and returned, The Array is sufficient and of no force or Effect in the Law, therefore it is confide- quasted. red of, that that pannell be quashed, and wholly held for nothing. &c.

HE Affize came to recognize, if I, Go of G. and M. his Wife, An Affize of unjustly and without Judgment, have diffeized Richard Abbot of Common of Forde, of the common of his pasture, in C. afterwards, &c. And Pasture with the Title therewhereupon he complaineth, that they have diffeized him of Common of. of pasture to have Common in two Acres of Land, of them the faid I. C. and M. with two hundred theep, ten Bullocks, four Heifers, with their

the new months and to be

their increase every year by the whole year, and son the Bicle of the Freehold, and Affize of the Common aforefall, the faid Abber faith That he and all his Predecessor's Abbert of Ford, as in the Right of their Church of the blessed Mary of Ford, from the cime of the contrary, of which the memory of man is not y were successively seized of the Common aforefail as of Free blod, and one grosse, until the aforefail I. C. and M. him the said then Abbot, unjustly and without Judgment did differe, and he prayets the Assize, &c.

Otherwise when the Land lies to wrecks with a Title thereof granted for Tearm of life.

SSTZ E come to recognize if T. T. and A. his Wife, unjuftly, The have differed I. Cand C. his Wife of Common of their pas fture in B. after that, Be. and whereupon they complain, that they have differzed them of the Common of their pafture, to have Common in three hundred acres of land and three acres of meadow in the village aforelaid (that is to lay) in the Land aforelaid, when that Land lyeth fallow by the whole year, and when that land is towed after the thade moved, gathered together and carryed away, untill that Land is terowed, and in the meadow aforefaid, after the grafs in the fame mowed and the Hav thereof levied and carryed away , untill the midde of March, with all marmer of Cateel every year, and for the title of the Pree-hold, and the Affice of the Common aforefaid, the fame I and C. his Wife fav. that one C. Dimeth and all his Ancellors, time out of minde, were feized of the Common aforefaid, as of one goofs by it felf as of Fee, and flie for hereof feized, by hencertain Writing indented, the one part whereof figued with the feal of her the faid C. D. the faid 7. C. and C. his Wife; bring here in Court, the Date whereof is at S. Turch a day and yeare) did give and grant to the faid / C and C. his Wife for term of their fives, and the longer liver of one of them, by virtue of which Gift and Granethe faid I. C. and Cahis Wife were feized of that Common with the Appurtenances as of Free-hold, untill the aforelaid I. C. and A. them unjustly, and without Judgment did diffeize, and prayeth Affize, &c. e cultice here worthing and though

An Affixe of Eflowers with Tute by prefription. THE Affize came to Recognize, if T. Prior of T. amountly, &c. And whereupon he faith. That he did Diffeize him of his reasonable Estovers, to one Messuage and two Rods of Landonsted ploy Lands, in the Villiage aforesaid, to be taken in two hundred acres of Wood, in the same Villiage (that is to say) To make new houses, and to repaire old houses, and to make new Hodges, and to repaire old houses, and to make new Folds, and to repaire old Folds, of green Wood as of old Wood, without sight or leave, and of Wood to repaire three Staires in the aforesaid Messuage: And for the Title of the Freehold, and Alfise of the Estovers aforesaid to be had, the said I sath, That he and all his Ameestors, and all those whose Estate he hath, is

the Meffuage and Tenements aforefaid time out of minde, were Seized of the Estevers, to be taken in the Wood aforelaid. And this he is ready so sweet and prayeth Affile; Oceaning to a wolster I some

THE Affice came to Recognize, if G. D. R. M. and 7. R. un- Affice of Anjuftly, &c. Did turn the courfe of a certain Water in R. to the an. nufance of nufance of the Free-hold of w. B. and I. B. in the lame Villiage: And whereupon the faid W. B. and I. B. by T. H. their Attorney. do complain that whereas the faid W. B. and In B. are, and long fince were Seized of three acres of Meadow, with the Appurtenances. in the aforefaid Villiage of R. To which faid Meadow a water called F. cime out of minde, directly through the middle of the two seres and a halfe of the Meadow of the aforefaid G. in the fame Williage, was used corun, with which waten the layd W. B. and I. B. and all thole, whose Estate they have, in the aforetaid three acres of Meadow, from the whole time aforetaid, were used at every time of the yeare with the Water aforefaid , to-over flow and water that Meadow, whereas the aforeland G. R. and I.R. have no nightly diverted the course of the Water atorelaid, in the two acres and halfe of Meadow of the aforelaid Quia that the water aforelaid at every sime of the years cannot run into the aforefaid two acres of Meadow of the faid W. B. and J. B. fo that whereas the fayd VV. B. and B. might and were used to have had every yeare, in the same three eres of Mendow fix Carr load of Hay, now they can have in the fame Meadow but one Cart load of Hay: And fo to the annulance, and Counties of S. and W. being then vacant, did Oth, Will ada saringen

turning the Water-courfe.

da silice for

as Officat

Ouffor f. The Assize came to recognize, if William Farnefeld minishing the Unjustly, &c. Hath Lovavit a Pond in S. and Ellgrensted to the water in a annulance of the free-hold of E, Carill E[q; in the same Village Pond, by within thirty yeares, &c., And whereupon the said E, by A. B. his which be lost Attorney, complaineth, that whereas a certain water called K, time his Fishing and the watering of the of minde, his streight and moderate course in tunning in fix his sattell. acres of Meadow, of the aforefaid E. in S. and E. aforefaid, of which the same E is and long since was Seized in his Demelne as of Fee: And the said E. and all those whose Estate he the laid E. hath in this same fixacres of Meadow, by the whole time aforefaid the water aforefaid, have Fished, and were accustomed to fish, and the Fish thereof yearly to the value of forty Shillings, have and carryed away, and his Cattell in the lame fix acres of Meadow, in the water aforefaid, by the whole time aforefaid have watred : And he the faid En being of the fame fix acres of Meadow with the Appurtenences is Soized, the aforefaid KV. F, bath rayled the laide Bond, overwhare the water aforelaid, fo neer the aforelaid fix acres of Meadow, that the water aforelayd, which in the laid fix acres of Meadow 25

- 35 (100 3e 2 THE TO SHA Meadow, at every time of the years, was used moderately to run through in Summer time, is wholly obstructed, and the aforesaid fix acres of Meadow, in every increasing of the water, and whenfoever the aforesaid, W. F. hath opened the Flood Gates of the Pond aforesaid, by abundance of water being in the Pond aforesaid, wholly was drowned: And so to the annusance, 600

An Affize for an Office of a Philazer.

HE Affize came to Recognize, if PVilliam fefferges B. Land T. K. unjustry, &c. Did differze Nicholas V. of his Free-hold in Prestmenastery, within thirty yeares now last past, &c. And whereupon the fame N. in hie poper Perfon doth complain, that the aforefaid VV. B. and I. have colleized him of his Office of Philazer here of of the County of S and W. and by the Title of the Philazer, the Affize thereof to be had, the fame N. faith, That whereas by the Custome in the Court, of the same Bench, time out of minde, used and approved, every cheife Justice of the same Court, for the time being every Office of a Philazer in the Bench aforelayd, forevery vacancy of the same at his pleasure, was used and accustomed to give Grant, and, Allign to any fit person whatsoever, to have, exercise, and injoy that Office with the Vailes, Fees, and Profits, and rewards, to the fame Office belonging and pertaining, for the Tearm of the naturall life of the faid Person: And whereas also one 7. B. Knight, being lately cheife fullice of the Common Bench at West finiterators. layd (fuch a day and years) The faid Office of a Philazer of the Counties of S. and W. being then vacant, did Give, Grave, and Affign that Office, with all Vailes, Fees, Profits, and Rewards to the fame Office pertaining and belonging to the fame N to hold, injoy and exercise that Office, with all Villes of for the Tearm of the natucall life of the aforelaid N. by which the faid N. into that Office. then and there in the lame Court in the Common Bench, was fworn and admitted, and had exercifed that Office, and took the profits thereof to be taken (that is to fay) for one Writ of Capins, three Peace of T. W. against W. G. Co. Of a Plea of Debt : And fothe fame A. was of the aforefald Office with the Appurtenances, Seized in his Demelne as of Free-hold for the Tearm of his life, according to the custome aforefaid unrillabe aforefaid W. B. and f. unjustiy and without Judgment did diffeize him the Trid 20 And thereof he prayeth Affize: And it is to be known that the Originall Writtof the Affize aforelayd, was returnable, and is returned here in this tame Tearm (that is to fay) Such a day: And the aforelaid W. Bland J. by their Attorney came, upon which the Affize aforetaid is continued here untill (Such a day) Therefore the Sheriff may then have the Bodies of the Recognizors, & S. And in the mean time, & e. The fame day, or At which day here came as well the aforelaid Plainriff

The continuance of the Affile,

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deffect of

as the aforefaid Defendants: And upon that the Affize aforefaid is further continued here untill such a day then next following, &c. And the Sheriffisto diffrain the Recognizors, de. By all their Land to ere. And that of the Issues, &c. So that he may have them here to make Recognizance of the Affize aforefayd: And in the mean time, &c. And so it may be continued further as before : And the aforesaid W. and B. by their Attorney aforelaid, and the aforelaid I. in his proper iperion came, and faith. That he is, and the day of the obtaining. de. Was fole Tenant, de. And that no differzin is had, do. And Sole Tenancy this, &c. Judgment of the Writ, &c. Whereupon the Recognitors of that Affize, some of them came, and some of them did not come, as it appeares by the Pannell, &c. And some of the Recognizors only appearing (that is to fayd) T. B. and C. D. in the Affize aforefaid are fworn: And because the residue of the Recognizors now appearing, made no view, &c. Therefore the Affize aforefaid doth further remain to be taken here (fuch a day) and the Sheriff may then have their Bodies of the Recognizors, &c. The same day, &c: and Judgment for the Defendant. P. 1. and 2. of P. and M. Rot. 955.

Appearance recorded. Challenge and Cafe.

T was commanded to the Sheriff, that he should take Richard An appearance 1. of M. in the County aforefayd H. if &c. And him fafely, &c. recorded. So that, Go he might have his Body here at this day (that is to fay) From the day of Eafter in fi teen daies, to answer William H. of a Plea that he render to him foure Pounds, which, &c. And now here at this day came the aforefaid R. in his proper Person and frith. That he and divers other Persons of his Friends, at his request by their Weiting Obligatory, were bound to the Sheriff of the County afore lavd that he should personally appeared here at this day, to answer the aforefaid w. H. of the Plea aforefaid , and as well for his indemo nity as for their fecurity aforefaid; he prayeth that his appearance Challenge. by the Justices here arthis day may be recorded de Whereupon the appearance of the fayd Richard there adthis day is recorded &ccan will

A ND hereupon the aforesaid Richard L. cooseth all the Goods Elegir against and Chattels of the aforesaid William, except the Oxen and Geer a Sheriffaof his Care, to be delivered to him : And likewife the Moiety of all his coroner; Lands and Tenements in the County of N. according to the forme Challenge to of the Statute thereof published, and proceeded untill he hath levied the Shehiff the the Debt and Damages aforefayd thereof, and further faith, That writ directed the aforefayd W. is now a Sheriff of the fayd County of N. and for to the coroner. that cause he prayeth the Writ of the Lady the Queen, to be directed to the Coroners of the Lady the Queen, in the same County: And because :

because the aforefuld ser hath not denyed it, and the Allegation of the fayd Reberg is found true of Record, as by the infpection of the Returnes on the back of the Weits, of the Jame County here in the Files of the File of N. in this Tearm, residing to the Inflices; here fully appeareth, it is granted to him returnable here, in eight daies of Saint Michaell, &c. groter at margar tangentable vant cland

Challenge to the under Sheviff.

A ND herenpon the aforefaid R; faith, That Thomas D. Gentles man, is now under Sheriff of the County aftereland, and that the aforelayd R. P. is Servant of him the faid Thomas D. and bath of the fame Thomas D. an yearly Sallary of thirteen Shillings and foure Pence, and of the Liberties: And for that caute he prayerh a Writ of the King, of causing to come twelve, &c. to be directed to the line. riff of the County aforefaid, to that the aforefaid To Di his under Sheriff, may intermeddle himfelfein nothing, &c. And because the aforefaid P, bath not denyed this, it is granted to him; &cc. Therefore it is commended to the Sheriff, that he cause to come here twelve, &c. The substitution of Cl

Trespass upon the Cafe for Arresting one within a Liber-ty not being Bayliff of the fame.

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ND whereupon the faid W. H. by A. B. his Attorney, doth complain, that whereas he the faid w. H. ought to do the Execution of all Writs of the faid now Lady the Queen, and also the Diffrefies, and all attachments within his Barronry of S. isluing by his Bayliffs of the Barronry aforefaid: And the faid W. H. and albothers hicherto holding that Berronry have been accustomed so do fuch like Executions of all Writs of the faid now Lady the Queen, and also the diffresses and all attachments within the Barronry aforesaid iffuing by Bayliffs of the Barronry aforefaid , time out of minde, vet the faid w. in (fuch a day and yeare) by force and Arms, &cc. hath arrefted one R. B. at G. within the Liberty of the Barronry aforefeld and hath to detained and imprisoned him under acreft a long sime (that is to fay) by the space of one hours, and other Enormityes, &c. To the greivous damage, &c., and the hurt of of his laberty aforefaid. Whereupon he faith . That he is damnified and hath damage to the value of ewenty pounds, and thereof he brought this Suite, &cc. H. 10, Eliz. Rot. 459.

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Trigget to answer I. K. and J. B. of a Plez, that he may hold An Action of Covenant to them, between them thereof made, according to fovenant the force, forme, and effect, of certaine Indentures thereof, brought upon between them made, &c. And whereupon, &c. (reciting the Habenthe Indenture) as by the same Indenture more fully appeareth : And the faid Plaintiffs in Fact faith, That the aforefayd Defendant before the making of the Indenture aforefayd, that is to fay (fuch a day and yeare) at the City of Yorke, did demife to one .A. B. the aforefayd two Closes with the appurtenances, to hold to him from (fuch) a Feaft, untill the end of the terme of ten years, from thence next following, and fully to be compleat. And the fame Plaintiffe further fav. That they after the aforelayd Feast of E. (that is to fay) in the morrow of the fayd Feast, into the aforefaid two Closes with the appurtenances (by vertue of the Demife aforesaid to them by the sayd Defendant, in form aforefaid, made) did enter, and were thereof posselfed; upon the possession thereof, of which fayd Plaintiffs, the aforefaid . I. B. afterwards (that is to fay) such a day and year aboveland) into the fame two Closes with the appurtenances (claiming his terme aforefaid, by vertue of the Demife aforefaid, to the favd . B. in form aforefays made) did enter, and did wholly expell and amove the fave Plaintiffs thereof, and was and yet is, thereof possessed, by which the favil Plaintiffs could not have and hold the aforefaid two Closes, from the aforefaid Ecast of E. which was in (such a year) according to the form and effect of the Indenture aforelaid: And fo the aforelaid Defendant although often required, thath not kept, but broken the Covenant aforefayd, in that that they the fayd Plaintiffs frould have and hold to the fayd Plaintiffs, the two Cloles aforelayd from the aforelayd Peast of E. (in fuch a year aforefayd) untill the end of the aforefayd terme of ten years, according to the forme and effect of that Indenture aforefayd; and hath denyed to hold the fame to them, and yet doth deny : Whereupon they fay, Ge. M. 19. and 20. Eliz. Rot. 1282.

since and Cramin while

Glover late, &c. otherwise casted, & was summoned to answer E. An Astion of M., of a plea, that he may hold Covenant to him between them covenant to made according to the force, form, and Effect of a certain Indenture, make further between them made, &: And whereupon the faid E. by T. G. his affurance. Attorny faith. That whereas by a certain Indenture made at B. fuch a day and yeare, between him the faid Plaintiff of the one part, and the

faid 1. of the other part, which other part figned with the Seal of the fame I. the aforefaid E. bringeth here in Court the date whereof is the fame day and yeare that is tellified (reciting the whole Indenture) as by the fame Indenture more fully appeareth, and the faid Plaintiff faith, that although he bath fullfilled and performed all and fingular the Covenants and Grants in the Indenture aforefaid above specified, on his part to be fulfilled and kept in fact, the fame E, faith, that within the aforelaid leven years after the making of the Indenture aforelaid (that isto fay) fuch a day and yeare, one T. D. then being of the learned Councel of him the faid E, at B, aforefaid, in the County aforefaid, did devile and cau'e to be written for further affurance of the aforefaid close with the Appurtenances to be made to the faid & a certain writing of Release of the aforesaid close with the appurtenances to be made to the faid E. by the faid I. in which faid writing it was contained that the aforesaid I, should remise, release, and alwaies from himself and his Heirs quiet claim to the laid E, and his Heirs, the whole right. title, and claim, which he had, or at any time from thence following might have of, and in the aforefaid close with the Appurtenances, and the same E. afterwards the same day and year at C. aforesaid, did request the aforsaid I to seal, and as his Deed to deliver to the faid E. the aforelaid writing of release in form aforelaid devised and theaforefayd I. that to do then and there altogether refused, against the form of the Indenture aforefaid, yet the faid I, although often required, hath not held the covenant aforesaid, of that, that he the said . and his Heirs, and all persons and their Heirs claiming in or by the aforefaid I. at any time during the space of the aforefaid seven years upon reasonable demand thereof to them or any of them to be made, shall make, permit, and acknowledge or cause to be made, permitted, or acknowledged all and fingular Act and Acts, thing and things, for the better and further Affurance, and fure making of the premisses with the Appurtenances to the faid E. and his Affignes, as by learned, Counfell of him the faid E. his Heirs or Affignes, should be reasonably devifed, but hath broken, and hitherto denyeth to hold that Covenant to the faid E. and yet doth deny, whereupon he faith, that he is damnified, &c.

A N D the aforsaid I. desendeth the force, &c. When, &c. and saith, That the aforesaid E. did not require him the said I. to seal, and as his Deed to deliver to the aforesaid E. the aforesaid writing of Release, for further assurance of the aforesaid Close with the Appurtenances to the aforesaid E. to be made, as the aforesaid E. by his Declaration aforesaid, above hath supposed: And of this, &c. T. 18. Eliz. Rot, 1644.

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J Sky with, late of L. Gent, Assignee of R. H. lately called, &c. An Action of . Was summoned to answer William Plamer, Gent. and A. P. Covenant Exentors of the Testament of VV. P. lately called , &c. Of a plea, brought by an that he hold Covenant to him, made between the said R. R. and the Executor of a reforestid W. T. Testator according to the Force. Form, and F. T. Lessor against aforelaid W. P. Testator, according to the Force, Form, and Effect the Assigne of of certain Indentures thereupon between them made, &c. And the Leffor for whereupon, &c. That whereas by a certain Indenture made at L. breaking two (fuch a day and year) between the aforesaid R. R. in his life of the Covenants. one part, and the aforesaid VV. P. Testator in his life of the other part, which other part figned with the Seal of the alorefaid R, the faid Executors produce here in Court, the Date whereof is the fame day and year, it is witneffed that whereas, &c. (and fo recite the Indenture.) as by the same Indenture more fully appeareth, by virtue of which Demile, the aforelaid VV. P. Testator into the Mannor and Te- The Entry. nements aforesaid with the appurtenances, mediatly after the Feast of Saint Michael the Apostle, did enter and was thereof possessed, and he being thereof to possessed, and the aforesaid R. being seized of the Reversion of the Mannor and Tenements aforesaid with the appurtenances in his Demelne as of Fee and Right, the faid R. into the Mannor and Tenements aforesaid with the Appurtenances upon the Possession of the aforesaid VV. P. Testator thereof did enter, and him from his Farm aforesaid, thereof did expell and amove, and was thereof seized in his Demelne as of Fee and being to thereof feized of the Mannor and Tenements aforesaid with the appurtenances, did infeoff one R. C. e. to hold to them and their Heirs for ever, to the use of the said R. and the Heirs of his Body iffuing, and for want of fuch iffue to the Statute of uses wie of the aforesaid VV . S. and the heirs of his Body issuing, by virtue of which Feoffment, and by force of a certain Statute in the Parliament of our Lord H. late King of England, holden at VV. in the County of M. the fourth day of F. in the twenty feventh year of his Raign, in transferring of uses into possession, published, the aforesaid, R. was seized of the Mannor and Tenements aforefaid with the Appurtenances in his Demesne as as of Fee tail (that is to say) to him and the Heirs of his Body issuing, the Remainder thereof, for want of such Issue to the aforesaid VV. S. and the Heirs of his Body in Form aforesaid belonging, and the aforefaid R. being so thereof seized, the aforefaid VV. P. Testator into the Mannor and Tenements aforesaid with the appurcenances, by claiming his Term aforefaid upon the possession of the afo efaid R, thereof did enter, by which the faid W. was poffeffed and claimed his of the Mannor and Tenements afore aid as in his former Effate, and Team. the aforesaid R. was seized of the Reversion of the same Mannor and Tenements in his Demefne as of Fee tail (that is to fay) to him and the Heirs of his Body issuing, the Remainder afterwards, for want of fuch Issue to the aforesaid W. S. and the Heirs of his Body Issuing belonging,

Liffee entred

The Lesee made bis Will.

The first breach for a Rent charge.

The ferond, for that the Grantee of the reversion entered upon the Testator in bis life time and did expell bim.

First Covenant.

longing, and he the faid W. P. fo thereof possessed, and the aforesaid R. of the Reversion aforefaid in form aforefaid being leized, the faid R. at D. dyed of such his Effare thereof feized without Heiss of his Body issuing, by which the aforefaid W. was feized of his faid Remainder, of the Mannor and Tenements aforefaid with the Appartenances in his Demelne as of Fee tail, and he being to thereof feized, and the aforefaid W. P. Teffator of the Mannor and Tenements aforefaid, with the appurtenances in form aforefaid being possessed the faid W. (fucha day and year) at R. aforefaid, made his Teffament, & did appoint and ordain them the faid W. P. now Plaintiff, and A. Executors of the same Testament, and afterwards there dyed of the Mannor and Tenements a orelaid with the Appurtenances, in form aforelaid, polfeffed, after whose death, the said w. P. now Plaintiff, and A. into the Mannor and Tenements aforefaid with the appurtenances did enter and were, and yet are thereof possessed by virtue of the Testament aforefaid. And the faid Executors fay that although the aforefaid W.P. Testator in his life, and the said Executors after the Death of the faid W. Teffator, hath fullfilled, performed, and kept all and fingular the things in the Indenture above specified, on their part to be fullfilled, performed, and kept, according to the Form and Effect of that Indenture; the same Executors in fact say, That our Lady the Queen at the aforefaid time of the making of the faid Demife was and yet is feized of a certain yearly Rent charge of fix pounds thirteen shillings and eight pence issuing as well out of the Mannor and Tenements aforefaid, as yearly payableat the feast of Saint M. ichael the Arch - Angell , in the yeare , Gre. And because nineteen pounds , de, for three years at the Feast of Saint M. the A. in the year, &c to the faid Lady the Queen, were behind unpaid, the Jame Lady the Queen into a hundred Acres of Land, parcell of the aforefaid Minnor of R. by one I. H. her Bailiff did enter, and there did levy the same nineteen pounds, &c. by divers Distresses of the Goods and Chattells of the aforesaid W. P. Testator in his life, and further the faid Executors fay, that the aforefaid W. S. (fuch a day and year) into twenty four Acres of Land called the Neck Close, parcell of the aforefaid Mannor of Rabove demifed upon the possession of the aforefaid W. P. Teffator, in the life of him the faid W. did enter, and him from his possession thereof did expell, amove, and hold out, and the same Executors from thence yet doth hold out, and so the faid Execueors lay, that the aforefaid W. S. hath not held, but hath broken the Covenant aforelaid of that that the aforelaid R. his Heirs and Affignes would acquit and discharge the aforesaid W. P. Testator, his Executors, Administrators and Assignes, during the aforesaid Term against the faid Lady the Queen, her Heirs Successors and Affignes, and acainft the cheif Lord or Lords of the Fee of all Rents and other yearly charges due, and to bedemanded itsuing out of the aforefaid Mannor

to considered

of R, and other the premises with the Appurtenances, other then the aforefaid Rent of eighteen pound, thirteen shillings and four pence to the faid R, and his Heirs by the Indenture aforefaid referved, and of that that the aforesaid W. P. Testator, his Executors and Assignes second coveshould peaceably and quietly have, hold, Occupy, and injoy the name. aforesaid Mannor, House, and Farm, and other the premises with the Appurtenances by the Indenture aforefaid demifed, except before excepted for, and during the faid Tearm of seventy years without Impediment, Vexation, and Molestation of the aforesaid R. his heirs and Affignes to the aforefaid W. P. Testator in his life, and to the fame Executorsafter the death of him the faid W. but hath denyed him to hold them, and to the faid Executors yet doth deny to hold, whereupon they fay, that they are deteriorated, and have damage to the value of , &c. And thereupon they bring this fuit, &c. And they produce here in Court the Letters Testamentary, by which it sufficiently appeareth, &c. M. 19. and 20 Eliz. Rot. 1272.

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B. was summoned to answer C. D. of a Plea, that he render him five and forty shillings which he owes him and unjustly u on a verball Jo detains, &c. and thereupon the faid Plaintiff by W. his Actorny Demise for sayes, that whereas the aforesaid Plaintiff (such a day, year, Rent bebinde and place) did demile to the Defendant one Messuage with the Appurtenances in C. aforesaid to have and to occupy to him the said T. and his Affignes from the Feast of Saint P. and I. then next following, to the End and Term of three years from thence next following to be fully compleated and ended, rendring therefore yearly to him the faid Plaintiff and his Assignes, ninety shillings at the Feasts of Saint Michaellthe Arch Angell, and the Anunciation of the bleffed Virgin Saint Mary by Equall portions to be paid, by virtue of which demile, the aforesaid A. on the morrow after the said Feast of Saint Phillip and facob the Apostles, into the Messuage aforesaid with the Appurtenances did enter, and was, and yet is thereof possessed; and five and forty shillings of the Rent aforefaid for halfe a year, ending at the Feast of Saint Michael the Arch Angell, in the yeare &c. were behind and as yet remain unpaid, by which the Action did accrue unto the Plaintiff to require and have of the Defendant the aforefaid five and forty shillings, yet the aforesaid D. alchough often required the aforesaid five and forty shillings hath not, &c. and thereupon hee brings his Suit, to troop of the Record; of claude and again

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A diclaration upona Bill. Hilz. Car. Regis Rot. 2589.

DEven f. R. . lately of L. Executor of &c. Was lummoned to an iwer R.C. Gentleman, of a Piea that he render him twenty Bounds by a Bill (dated such a day, and yeare, and place) for payment of the aforelaid twenty Pounds, upon the twenty muth of September then next following; &c. 13/10 bas subal 4.8 . should consider says

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The Defendant pleades goods delivered in fatisfaction of the Bill.

And the aforefaid R. R. by R. S. his Attorney, comes and defends the Force and Injury, when & And Tayes, That the aforelaid & C. ought not to have his Action aforefaid against him, because he saich That the aforefaid Testator in his life time, upon the aforefaid twenty nineh day of September, in the Declaration aforefaid above fpecified at B. aforefaid, did give and deliver to the aforefaid R. C. fix Cows in full payment and farisfaction of the aforefaid twenty Pounds in the Declaration aforesaid above specified, which said fix. Cows the aforesaid R. C. in full payment and satisfaction of the aforesaid twenty Pounds of him the layd Teffator, he did then and there receive and accept: And this he is ready to aver, whereupon he prayes Indement, whether the aforefaid Plaintiff ought to have his Action aforefaid against him, &c.

The Plaintiff replies no latisfaction.

And the aforelayd R. C. fayes, that he by any thing before alleadged, ought not to be debarred from having his Action aforesaid, becanse he saith. That the aforesaid Testator in his life time did not give and deliver to the aforefaid R. C. upon the aforefaid twenty ninth day of September, the aforefaid fix Cows in full payment and fatisfaction of the aforefayd twenty Pounds, in the Declaration aforesaid above specified, as the aforesaid R. R. hath above alleadged: And this he prayes may be inquired of in the Country, and the aforefaid R. R. in like manner: Therefore Command is given to the Sheriff, that he cause to come twelve, &c.

Debt by an Administratrix for the Arreares of an Annuity due to

I. M. lately of H in the County aforefaid, Yeoman, was fummon-Jed to answer W. T. and M. his Wife, the Administratrix of the Goods and Chartels which were of L. F. who dyed Intestate; &c. Of a Plea that he render them thirty fix Pounds, which be unjustry the Intestate, detains from them: And whereupon the same W. and M by I. L. their Actorney, fay, That whereas the aforefaid L. late Vicar of the Vicaridge of the Parish Church of H. in the County aforefaid, was Seized of the Vicary of the Vicaridge of the Church aforefaid in his Demelne as of Fee, in the right of his, Vicaridge aforefaid: And whereas the fame L. and all his Predeceffors, Vicars of the Vicaridge aforefaid, for the time being, time out of minde, have been Seized of a certain annuity or annual Rent, of fix Pounds, Isluing out of the Rectory of H. aforefayd, in their Demeine as of Fee, in right of their Vicaridge aforefayd, by the hands of the Rectors, of the Rectors of H. aforefayd, or their Farmers thereof, for the time being, yearly at

the Feast of the Annunciation of our bleffed Virgin Mary, and Saint Michaell the Arch-Angell, by equal Portions to be paid. And the aforesaid thirty six Pounds of the Annuity or annual Rent aforesayd, for fix whole yeares ended at the Feast of the Annuncration of the bleffed Virgin Mary, in the thirtieth yeare of the Raign that now is. to the aforefaid L. late Vicar of the Vicaridge aforefaid, by the whole Tearm of the aforelaid fix yeares, in his life time being in at .cs. reare, by which the Action accrewed to the aforelaid By in his life time, to require and have of the aforefaid I. by the whole Teatm aforelaid, and as yet Farmer of the Rectory aforelaid, being the aforefaid thirty fix Pounds, yet the aforefaid I, although often require ed the aforefaid thurty fix Pounds to the aforefaid Din his fife time or to the same M. after the death of him the laid L. while the was Sole, to whom the Administration of all the Goods and Chartels. which were the aforefaid L, at the time of his death by R. R. Doctor of Law, &c. (Such a day, and yeare, and place) after the death of him the fayd Lo it was committed, or to them the fayd W. and M. after Elpou als between them celebrated hath not rendred. but the fame to them to render hath derived, and the fame to them the fail W. and M: as yet to render dorn deny, and unjuffly detain, whereupon they fay, they are damnified and have damage to the value of forcy Bounds, and therupon they bring their Action, &c. And they being here into Court, the Letters of Administration? &c. To this the Defendant Pleades Non detiner . I to vinuo bysterot to him the layd R: the aforelayd ten Pounas, northis then derries

B. lately of Go. Clerk, was Summoned to answer R. H. Clerk' North ff. of a Plea that he render him twenty Pounds which he ows him Debt for a cuand unjustly detaines at And whereupon the fayd R. B. by 7. O ratefor his Salhis Arcorney layes. That whereas the aforefryd R. B. Such a day, lary. yeare, and place did retain him the Tave R. H. then being Deacon Hil. 14. Ia. in holy orders, to be the Corate of him the layd R. B. in the Parish Church of the same R. B. then, and as yet being Rector of the Parish Church aforefayd, to ferve, and further to do and Brecute all and fingular, which unto the Office of the like Curate of a Church ought to be done and performed, in the same Church from the sayd day and years) for one whole years; then next following, taking thereupon of the aforelaid R. B. for his Sallary for that time, twenty Pounds, to be paid to him the faid R. H. when he should be thereunto required as By virtue of which retainer, the faid R. H. continued the Curate of the aforefaid R. B. in the Church aforefaid, in form aforefaid, by the time aforefaid, and did well and faithfully perform and execute, all and fingular the things, which unto the Office of the like Curate in the Charch aforefaid did belong, by which the Action did accrew to him the faid R. H. to require and have of the aforefaid R. B. the faid twenty Pounds, yet the aforefaid Ry B. although of-

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ten required the aforefayd twenty Pounds its him the fals in Habes bashaner rendered of by antique I demond all the Antique Antique is

A declaration
upon a Bill either to pay Money or do an act, Trin. 23.
Jacobi, Rot.
2115.

R. lately of R. in the County of H. Inholder, otherwise called E. P. of R. in the County of H. I was Summoned to answer unand unjustly detained for And wheneupon the fayd Roby little his Antorney, layes, That whereas the aforefayd E. Gifuch a day, years, and place) by his certain Bill, Obligatory, which he the fayd R, with the Seale of him the faid E figned here in Court, produces whole date is the fame day and yeare, did acknowledge himfelfe to have received of the faid R. by the name of Mis Welter of Re in the County of Cambridge Malfter, the great Scale of our Lord the King, of the reversion, of the Office of the Post-Master of Ferribridge ? And at that time was going unto Lendon, and at the return of him the faid E, was to deliver to him the faid R. iten Pounds, or the aforefaid great Spale of the lame Office of Post Master, and unto the same pays ment of delivery afgrefaid, in form aforefaid to be performed, the aforefayd E. did binde himfelfe by the same Bilk: And the the faid R. in fact, faith, That the aforefayd E after the making of the Bill aforefaid, and before the day of the Isluing forth of the Originall Writ of him the faid Boito witt (Jach a day and yeare) aforefaid, he returned from London aforelaid and tame to R. aforelaid yin the a-forelayd County of A. And that the aforelayd E. did floothen pay to him the fayd R. the aforefayd ten Pounds, nor did then deliver unto him the fayd R, the aforefaid broad Seale of our Lord the King for the reversion of the Post-Master aforesaid, by which the Action did accrew to him the faid Re to require and have of him the fayd E. the fame ten Pounds yet the aforefaid E. although often demanded the aforefayd cen Pounds, to him the fayd Ry he hath not rendred? but the same to him hithertoto render hath denyed, and as yet doth deny, whereupon he faith, That he is damnified; and bath damage to the value of ten Pounds, and thereupon he brings his Action off and treating the horizonal be O and the Pic contract a Chiere odehic o be done a per to per, in the laste beging time the

A declaration upon a Scire-Facias, against the Heire and ter-Tenant.

Harry 22. facobi Regie Rot. 2002. Otherwise as it appeares in the Tearm of Saint Hillary, in the eighteenth years of the Raign of our Lord the King of England, Rot. 832, is thus contained: Command was given to the Sheriff, whereas R. P. lately in the Court of our Lord the King, to witt, the twenty third day of fannery, in the minth years of the Raign that now is, before Fidward Coke Knight, and his companions then Justices of our said Lord the King of his Bench here, to witt, at Westminster, by the consideration of the same Court, did recover against I. L. lately of, & S. As well a certain Debt of forty Pounds, as fixty three shillings and source Perces, which to him the said R.

in the fame Court of the faid Lord the King here were adjudged for his damages which he had by reafon of the Detainder of the fame debe whereof he is convicted, as by the Record and process thereof in the fame Court of our faid Lord the King here remaining a it manifeltly appears, notwithstanding the Execution of the judgment aforefaid, as vet remains to be done, and the aforefaid I. after the judgment aforefaid rendred, is dead, as by the information of the aforfaid R. the King received . Ge: and because, Ge: that by honest men, Ges he cause to be made known unto F: L: the next Coufin and Heir of the aforefaid I and to the now Tenants of all the Lands and Tenements which were the aforesaid I: in fee-simple, the aforesaid twenty third day of January in the ninth year aforefaid, which day the Judgment aforefaid was had, that they be here at this day, to wit, in eight days after Saint Hillary, to thew if any thing, &c, wherefore the aforelaid forty pounds of the Debt aforefaid, as also the aforefaid fixty three shillings and four pence of the aforefaid Dammages of the Lands and Tenements which were the aforefaid It in Fee-fimple, the aforefaid twenty third day of January in the night year aforefaid in his Bailiwick, in the feiziff of him the faid Francis, ought not to be levied and rendred to the aforefaid R. according to the form of the recovery aforelayd, if . oc: And now here at this day, to wit at the aforefaid eight days after Saint Hillary, came as well the aforesaid R: by B: L: his Attorny as the aforefaid F: by 1: P: his Attorny; and the Sheriff, to wit, R; M. Knight now returns, that he by virrue of the Writ aforefaid to him directed, by 1: W: and 1: G: honest men, &c he did make known unto the above named F. next coufin and Heir of the aforefaid I: and to the now Tenement of one Messuage, forty Acres of Land, twenty Acres of Meadow, and forty acres of Pasture, &c. In B. in the County aforesaid, of being before our Justices, of our said Lard the King, at the day and place above contained, to thew as that Writ in it sequired : And upon this the aforelaid R. prayes Execution against the faid F, of his Debt and Damages aforefaid, of the Lands and Tenements which were of the aforefaid I: in Fee-simple, the aforefaid twenty third day of January, in the ninth yeare aforelaid in the Seizin of him the faid Fr to be levied, and to the aforefaid R. to be rendred, according to the form of the recovery aforefaid, upon which the aforefaid Francis comes and defends the Force and loinry, when, &c. And prayes ficense of imparing therein, hereanto fifteen daies after Eafter, and harh &c. The fame day jegiven to the aforefaid Rehere, &c. Ar which day here came as well the aforefaid R; as the aforefaid F. by their Attorneys, aforefaid: And upon this the faid F. further prayes licence of imparling therein bere populithe morrow after the holy Trinity : And he harbit, &c. The fame day is given to the aforesaid R. here, &c. At which day bere came as well the a orefaid R. as the aforefaid F. by their Attoineys afore laid.

And

and upon this the faid E, prays license of further imparling herein upto eight days after Saint Michael, and he hath it; the same day is given to the aforesaid R, here, we, as which day, we (and so continue it over five Terms surther) and upon this the aforesaid R, as above, prays Execution against the said F, of the Debt and damages aforesaid, in form aforesaid, to be adjudged unto him.

And the aforefaid F, lays nothing in recarding of the Execution of the Indement aforefaid by which the same R. should remain against the faid F. thereof undefended, therefore it is confidered that the aforefaid R, have Execution against the aforesaid F, of the Debt and Damages aforefaid, of the Lands and Tenements which were the aforefaid I in Fee simple, the aforesaid twenty third day of January in the ninth year aforelaid in the feizin of him the faid F. to be levied . and to the aforefaid R, to be rendred according to the form of the Recovery aforefaid &c. and upon this the aforefaid R. by the Statute, &c. chooleth to have delivered unto him the Moiety of all the Lands and Tenements aforefaid to hold as his Freehold to him and his Affignes, according to the form of the Statute aforefaid , untill the Debt and Damages aforeigid shall thereof be levied and prayeth the Writ of our faid Lord the King, thereupon to be directed to the Sheriff of the County aforefaid; and it is granted unto him returnable here in one momh after Eafter. &c.

Debt upon a Retainder for Counsell.

lant.

F. lately of, &c. was summoned to answer R. L. of a Plea, that I he render him forty thillings which he owes him, and unjustly detains, &c. And whereupon the same R. L. in his proper person faves, that whereas the aforefaid I. (fuch a day, year, and place) did retain him the faid R. to be of his Councell as well in all matters and actions of his at the Suit of any persons whatsoever against him profecuted, or to be profecuted, as also by him against any other perfons profecuted, or to be profecuted, taking for his Sallary for every yearfix shillings eight peace, and the aforelaid R. fayes, that by virtue of the Retainder aforelaid from the faid day and year aforefaid he contimed with the aforefaid I. F. of his Councell for five years then next following, and three and thirty shillings and sour pence of the said forty thillings to him the faid R. for his Sallary by the time aforefaid remain in arrear by which the Action accrued to him the faid R to requite, and have of him the faid I: the aforefaid thirty three shillings and four perice , and also whereas the aforesaid J. of the aforsaid 40 s. fuch a day wear, & place, did borrow of the aforefaid R. 6.s. and 8d. refidue of the aforefaid forty shillings to be paid to him the faid R. when the should be thereunto required, yet the aforesaid I. although often required the aforefaid forty thillings to him the faid R. he hath not rendred, and the fame to him hitherto to renderd hath denyed, and as vet dorn deny. Whereupon he faith, that he is damnified, and hath damage damage to the value of ten Pounds, and therenpon he brings his

7 B: lately of c. was summoned to answer E. L. of a Plea Debt work that he render him eight Pounds fix Shillings and eight Pence . Retainder to which he ows him and unjustly detaines, &c. And whereupon the carry Goods. fame E. L. by T. B. his Accorney, fayes, That whereas the aforefaid W. (fuch a day, yeare, and place) did retain the same & to fetch and carry away for him the faid Defendant five Cart loads of Housholdstuffe, from the Villiage of A, in the County aforefaid, unto the Villiage of I. in the same County, taking thereof of him the said w. for his labour and wages in that behalfe, thirty three Shillings, and four pence for each load of the faid houshold-stuffe, which he should fetch and carry away as aforefaid : By virtue of which retainder, the faid Plaintiff afterwards. (that is to fav) Such a day and yeare aforefaid, did fetch and carry from the laid villiage of A. unto the aforesaid Villiage of U. for the aforesaid Defendant, the aforesaid five Cart loads of Houshold-stuff, by which the Action did accrew unto him the favd & to require and have of him the faid w. the aforefaid eight Pounds six Shillings and eight Pence, yet the aforefayd w. although often required, the aforefayd eight Pounds fix Shillings and eight Pence to him the faid E. he hath not rendred, but the fame to him hitherto to render he hath denyed, and as yet doth deny. whereupon he faith. That he is damnified and hath Damage to the value of ten pounds, and thereupon he brings his Action,

R. Gentleman, &c. was Summoned to answer R. M. of a Debt.
Plea that he render him fourteen Pounds, which he ows, and un-Bill. justly detains, &c. And thereupon the aforefaid R. M. by A. L. his Attorney, fayes, That whereas the aforefaid R: R: (fuch a day and yeare) at S. by his certain Bill Obligatory, which he the faid R. M. with the Scale of the aforelaid R. R. Signed here brings into Court, whose Date is the same day and yeare, did acknowledge himfelfe to owe to the aforesaid R. M. the aforesaid fourteen Pounds to be paid to him the laid R. M. his Executors, Administrators or Affignes, in or upon (fuch a day then next following, the date of the same Bill) And that the same payment, may be well and faithfully made, the aforesaid R. R. did oblige his Heires and Executors by the faid Bill, notwithstanding the aforesaid R. R. although often demanded the aforesaid fourteen Pounds to the same R. M. he hath not as yet rendred it, but the same to him hitherto hath denyed to pay, and as yet denyeth, whereupon be fayes that he is damnified, and hath damage to the value of ten Pounds, and thereupon he brings his Action, &c.

And the aforesaid R. R. in his proper person comes and desends

Debt upona

The Defendant pleads, that be fealed the

e Forceand lapury when ore And fever. That the aforefeld & M. ought not to have his Action aforefaid against him, because he saith. through threats That the aforefaid R. M. at the time of the making of the fame Bill did at W. aforefaid impole mon him the faid R. R. fuch, and fo scent chreats of his life, and of mayme of his Members to be brought upon him unleffe the fait R. R. would make and Seale the aforefair Bill to the aforefaid R. M. (at fuch a place) did impose : That he the faid R. R. for feare of those threats, the aforefaid Bill to the faid A. M. he did then and there make: And this he is ready to aver. whereupon he demands Judgment, whether the faid R. M. ought to have his Action against him. &c.

And the aforefaid R. M. faies. That he by any thing before alleade. ed, ought not to be debarred from having his Action aforefaid, berause he saith. That the aforesaid R. R. at the time of the making of the faid Bill, was of his own right at large, and the same Bill of his own meer and voluntary will, to the same R. M. did make, and not for fear of threats as the aforetaid R. R. hath above alleadged: And this he braves may be inquired of by the Country: And the aforefaid R. R. in like manner : Thereupon command is given to the Sheriff that

he cause to come twelve, &c.

Debt apon an Obligation.

P: lately of w. in the County of L. Yeoman, otherwise called T. P. Was summoned to answer I. S. Widow. Executrix of the Testament of N. S. &c. Of a Plea that he render her thirty Pounds, which he unjustly detaines, &c. And whereupon the aforesaid I. by W. B. their Attorney, fay, That whereas the aforesaid T. (fuch a day and yeare) at W. by his certain Writing Obligatory, did grant himselfe to be bounden, to the aforesaid N. S. in his life time, in the aforefald thirty Pounds, to be paid to him the faid N, when he should be thereunto required: Yet the aforesaid T. although often required the aforefaid thirty Pounds, to the same N. in his lifetime, or to the same I after the death of the same N, hath not rendred but the fame to render to them hath denved, and the fame to the faid I. as ver to render doch deny, and unjustly derain, whereupon he faith. That he is damnified, and hath Damage to the value of ten Pounds, and thereupon the brings her Action.

And the brings here into Court, as well the aforefaid Writing, which Wienesseth the Debt aforelaid in form aforesaid, whose Date is the day and yeare aforefaid, as the Letters Testamentary of the aforefaid N. by which it is furficiently manifest to the Court here. the aforelaid 1, to be Executrix of the same N. of his Testament

aforefaid, And thereupon to have Administration, &c.

condition per- And the aforesaid T. P by L. S. his Attorney, comes and desends the Force and Injury, when, &c. and praves Over of the Writing formed. aforefaid, and it is read unto him; he praves also Over of the indorf-

ment

ment of the faine Writing, and it is read unto him in thefe words? The condition of this Obligation is fuch, that if the within bounden T. P. His Heies, Executors, Administrators, or Affignes, do well and eruly content and pay, or cause to be contented and payd unto the within named N.S. his Heirs, Executors, or Affignes twenty pounds of good and lawfull English mony and one Waigh of gray Sale; at Christmas next after the date bereof, that then de Which being read and heard, the aforefaid T faves, that the aforefaid I. ought not to have her Action aforefaid against him , because he faith , that he payed the aforefaid N: in his life time the aforefaid twenty pounds And delivered the aforefaid N, in his life time the aforefaid Waigh of wray Sale at the Feaft aforefaid of the Birth of our Lord in the Indorfment aforefaid above frecified which to him the faid N. at the fame Feaft, &c. he ought to have payd and delivered, according to the form and Effect of the Indorfment aforefaid, that is to fav at H. aforefaid: And this he is ready to aver, whereupon he demands Judgment whether the aforefaid I, ought to have her action aforefaid against him. oc.

A ND the aforefaid I. fayes, that she by any thing before alledged, Replication. A ought not to be debarred from having her Action aforefaid, because by protostation the sayes, that the aforesaid T. did not deliver to the aforelaid N in his life time the aforelaid Waigh of gray Salt in the aforesaid Indorsment contained at the aforesaid Feast of the Birth of our Lord, as the aforefaid T. hath above alleadged for plea the faith that the afore aid T. did not pay the aforelaid N. in his life time the aforefaid twenty pounds at the Feast of the birth of our Lord, which to him the fayd N. at the same Feast he ought to have payd according to the Form and Effect of the Indorfment aforefaid as the aforefaid Thomas hath above alleadged, and this he is ready to aver, whereupon he demands Judgment, and his Debt aforefaid, together with his damages to be adjudged unto him.

A N D the aforefaid T. as formerly faith, that he payd the afore. A faid N. in his life time the aforelaid twenty pounds at the afore. Reioinder. faid Feast of the birth of our Lord, which to the aforesaid Al upon the same Feast he ought to have payd according to the Form and Effect of the Indonfment aforefaid, as he before harb alleadged: And of this he puts himself upon the Country, and the aforsaid I. in like manner, therefore command is given to the Sheriff that he cause to there of the annual of the contract to the come twelves die

T B, lately of, &c: Administrator of the Goods and Chattells Debt upon a I which were of D. B. the Administratrix of the Goods and Chastels Bill against on which were of Edward, B. otherwise called E. B. of the Go. who administrator died Intestate, &c. was summoned to answer R. G. of a Plea, that he of an Admini-

render fratriz.

render him nineteen pounds which he unjustly details from him and whereupon the same D. W. by C. B. his Attorny, sayes that whereas the aforefaid E. L. in his life time (fuch a Day and year at VV.) by his certain Bill obligatory which the same D. with the seal of the aforefaid E. figned here, brings into Court, the Date whereof is the Day and year aforesaid, did acknowledge himself to owe to the faid R. the aforefaid nineteen pounds to be paid to him the faid R. at the Feast, coc. then next following, and to the same payment well and cruly to be made, the aforesaid E. bound himself his Heirs and Executors by the same Bill, yet the aforesaid E, in his life time, and the aforefaid D, after the Death of the faid E to whom the Administration of all the Goods and Chattells which were the aforesaid Edwards, at the time of his Death, by the most reverend in Christ, the Bishop of waster the death of the said E. was committed nor the aforefaid I after the Death of the same D, to whom the Administration of all and fingular the Goods and Chattels which were of the aforesaid D. at the time of her death by the faid Bilhop of W. after the Death of the faid D. was committed, although often demanded the aforefaid nineteen pounds, have not rendred it to him the faid D. but the fame to render to him have denved, and the aforefaid I. the fame to him the faid D. as yet to render doth deny and unjustly detain, whereupon he faves, that he is damnified and hath damage to the value of an hundred shillings. And thereupon he brings his Action . &c.

An Acquittance pleaded for part, and fully adminifired for the residue of the Debt.

And the aforefaid I by E. D. his Attorny comes and defends the force and injury, when &c. And as to fixteen pounds of the faid nineteen in the Declaration aforesaid above specified, the same I faves, that the aforesaid D, as to the aforesaid L ought not to have his Action against him, because he saith, that after the making of the Bill aforesaid that is to fay (fuch a day and year and place) the aforelaid D. by the name of D. W. of R. by his certain Bill of Acquittance, which same I. with the Seal of the laid D. figned here brings into Court, whose date is the fame day and year, did acknowledge himself to have received of the aforelaid E in his life time, by the name of E. D. of W. fixteen pounds of lawfull mony of England, and further the same I, saith, that the aforefaid bill of acquittance to the fayd E. in manner and form aforeraid made, was in part of payment of the aforefaid nineteen pounds in the Declaration aforesaid above specified, and this he is ready to aver whereupon he demands judgment if the aforefaid D. oughe thereupon to have his Action aforefaid against him, &c. And as to three of the aforelaid nineteen pounds residue, the same I. saves, that the aforefaid D. ought not thereupon to have his Action against him, because he saith, that he hath not fully administred all the Goods and Chattells which were of the aforefaid D. at the time of his Death ; and that he hath no Goods or Chattells which were the aforefaid D. at the time of her death in his hands to be administred, nor had the day

day of the issuing forth of the original! Writ of him the said D, nor at any time after, and this he is ready to aver, whereupon as formerly he demands Judgment, if the aforefaid D. ought thereupon to have his action aforefaid against him.

ND the aforesaid D. requires Oyer of the aforesaid Bill of ac- The bill of acquittance , and it is read unto him in these Words, Be it known , not the Deedlof c. Which said Bill of Acquittance being read and heard, the afore- the Plaintiff. sayd I. fayes, that he by any thing in the fame Bill of acquittance above specified, ought not to be debarred from having his Action aforefaid, of the aforefaid 161. because he saith, that the aforesaid Bill of acquittance is not his Deed, and this he prays may be inquired of by the Country, and the aforesaid I. in like manner, and as to the aforesaid three pounds refidue, the same D. says, that he by anything before alleadged ought not to be debarred from having his Action aforefaid. because he saith, that the aforesaid I. at the day of the issuing forth of the Originall Writ of him the faid D. that is to fay (fuch a day and year) had divers Goods and Chattells which were the aforesaid D. the time of his Death in his hands to be administred, to the value of Aßetsin the the Debt aforesaid, whereby he might have satisfied him the said D. of the aforesaid Debt to wit at C. in the County aforesaid, and this he prays may also be inquired of by the Country, and the aforesaid I. in like manner, therefore as to the trying as well of this Islue as the aforesaid other issue between the parties aforesaid above joyned, command is given to the Sheriff, that he cause to come here twelve, O.C.

hands of the Administrators

J. H. lately of &c, and S. his wife the Administratrix, &c. which An Action of were A. W. who dyed intestate, &c. Otherwise called A. Debt brought VV: &c. were summoned to answer R: B: of a plea that he render secrall him three and thirty pounds fix shillings and eight pence which then him three and thirty pounds fix shillings and eight pence which they unjust y detain, Oc. And whereupon the same R: by VV: VV: his Attorny, fayes, that whereas the aforefaid A: in his life time (fuch a day and year and place) by his certain bill obligatory, which he the faid R: with the Seal of the aforefaid . figned here brings into Court, did acknowledge himself to owe to him the said R. fix pounds. thirteen shillings and four pence of the aforesaid thirty three pounds fix hillings and eight pence to be paid to him the faid R. (fuch a day then next following) and whereas also the aforesaid A. in his life time (fuch a day year and place ') by his certain other Bill obligatory which he the faid R. with the Seal of the aforefaid A. in his life time figned here in like manner, brings into Court, the date whereof is the fame day and year aforesaid did acknowledge himself to owe to him the faid

faid R. other fix pounds thirteen thillings and four pence of the afore. faid thirty three pounds fix faillings and eight pence to be payd to him. the faid R. at the Feast of the birth of our Lord then next following : and unto the same payments well & faithfully to be made the afoersaid in his lifetime did oblige himself, his Heirs, and Executors by the fame Bils: And whereas also the aforesaid A, in his life time (such a day, yeare, and place) by his certain Writing Obligatory, did grant himselfe to be bound, to him the said R. in twenty Pounds, of the aforefaid three and thirty Pounds fix Shillings and eight pence refidue to be payd to him the faid R. when he should be thereunto required, yet the aforesaid A. in his life time, and the aforesaid S. after the Death of A. whilst the was sole, nor the aforesaid I. and S. after Espousalls celebrated between them, although often required the aforefaid three and thirty pounds fix shillings and eight pence to him the said R, they have not rendred it; but the fame to render to him have denyed, and the aforesaid I, and S, the same to render unto him as yet doth deny and unjustly detain, whereupon he sayes that he is damnified, and hath damage to the value of a hundred shillings, and thereupon brings his Action: And he brings here into Court the Writing obligatory aforefaid, which wirnefferh the Debt , &c.

To this the Defendants Plead, that they have fully administred, and the Plaintiff replyes, that there were Assets, &c. as by the pre-

fident immediatly foregoing.

An Action of Debt by an Ex-Executors.

C. and W. M. Executors of the last Will and Testament of W. M. Were summoned to answer T. O. Executor of the last ecutor against Will, of R. O. of a Plea that he render him twenty Marks, which they unjustly detain, &c. And whereupon the said T. by R. C. his Attorney, fayes, That whereas the aforefayd W. M. in his life time (such a day yeare and place) by his certain Writing Obligatory, did grant himselfe to be bound to him the sayd R. in his life time, in the aforelayd twenty Marks, to be paid to him the faid R. when he should be thereupto required, yet the aforesaid w. M. in his life time, and the aforefaid A. and W. after the death of the favd w. M. although often required, the aforelaid twenty Marks, to him the layd R. in his life time, or to the aforesaid T. after the death of the faid R, have not rendred, but the same to them to render have denyed, and the aforefayd A and W.the fame to him the faid T. as yet to render they deny, and unjustly detain, whereupon he faith, That he is damnified and hath Damage to the value of ten Pounds: And thereupon he brings his Action.

And he brings here into Court, as well the Writing aforefaid which witnesseth the Debt aforesaid, in form aforesaid, as the Letters Testamentary of the aforesaid R. by which it sufficiently ap-Peares to the Court here, the aforefaid T, to be the Executor of the

relaid

aforefaid R. of the Testament aforefaid, and thereupon to have Ad-

ministration, &c.

And the aforefayd w. by I. R. his Attorney, comes and defends Bar in Detto the Force and Injury, when, &o. And fayes, That after the last con- when one of tinuance of the Plea aforelayd, to witt ,after a Month after Saint Mi- the Defendants chaell last past, from which said day the Plaint aforesaid was con- is dead. After the last covetinued hither unto this day, to witt, unto the eighth day of Saint nant the other Hillary, then next following, and before the same eighth day of pleads, Pline Saint Hillary, to witt (fuch a day last past) the aforesaid A. at Administravit. R. in the County of C. dyed: And because the aforesaid T. doth not this gainfay, no processe nor any other thing be further done against the faid A. Ge. And further the faid W. faith, That the aforesaid T. ought not to have his Action aforesayd against him because he saith, That he and the aforesaid A. in the life of the said ... have fully administred all the Goods and Chattels, which were the aforesaid w. M. at the time of his death : And that they in the life of the faid A, had no Goods or Chattels, which were of the faid mat the time of his death, in their hands to be administred. nor had the day of the iffuing forth of the Originall Writ, of them the faid T. O. nor at any time after the iffuing forth of the same Writ. in the life of the same A. And also that he, never after the death of the aforefaid A. had any Goods or Chattels which were the aforefaid W. M. at the time of his death, in his hands to be administred : And this he is ready to aver, whereupon he demands Judgment, whether the foresayd T. ought to have his Action against him. &c.

And the aforefad T. fayes, That he by anything before alleadged. ought not to be deharred from having his Action aforesaid, because he faves. That the aforelaid A. and W. M. the day of the iffuing forth of the Originall Writ of him the faid T. that is to fay, (Such a day and yeare) had divers Goods and Chatrels, which were the aforesaid VV. M. at the time of his death, in their hands to be Administred, to the value of the aforesaid Debt of twenty Marks, whereby they were able to have farisfied him the faid T. of the same Debt. to witt, at C. aforesaid: And this he prayes may be inquired of by the Country, and the aforesaid VV. M. in like manner: Therefore

Command is given to the Sheriff, &c.

J. H. lately of C. in the County of L. Gentleman, was summoned An action of to answer T. N. and E. his Wife, the Administratrix of the Goods Debt brought and Chattels, which were of T. B. deceased, of a Plea that he render upon a Bill to him five Pounds, which he unjustly detaines, &c. And whereupon be payd at the the faid T. N. and E. by VV. L. his Attorney, fay, That the aforesaid Day of marri-1. Such a day, yeare, and place) by his certain Bill Obligatory, which age. they the faid T. N. and E. with the Seale of him the faid I. figned, they here bring into Court, the Date whereof is the same day and

yeare, for and in Confideration of one Gold Ring, with a certain Stone called a Diamond, in the same Ring fixed of the aforesaid T. B: in his life time, received the day of the making of the aforefaid Bill, did acknowledge and grant to and with the aforefayd T. B. in his life time that he the faid I. his Executors or Assignes would pay or cause to be paid to the aforesaid T. B. his Executors or Assignes for the same Ring, at such a day and time, as he the said I. should be wedd or married, or at any other time after his marriage; when soever he hould be required, by the aforesaid T. B. his Executors or Assignes, or by him that should bring the faid Bill, the faid Sum of five Pounds, to his or their ule, the aforesaid time to be paid: And the same T, N. and E. in Fact fay, That the aforefaid I. after the making of the faid Bill, to witt (fuch a day, and yeare, and place) within the parish Church of H, did take to wife one I. D. by which the Action did accrue unto the faid T. B. in his life, and to the faid E. after the faid T. B. his Death, whilft the was fole, and to the faid T. N. and E. after Espousalls between them celebrated, to require and have of the aforesaid I, the same five pounds, yet the aforesaid I, although often required the aforesaid five pounds to the aforesaid T.B. in his life time or to the aforesaid E. whilst she was sole, to whom the Administration of all the Goods and Chattells which were of the aforesaid T. B. the time of his death, by the Bishop, &c. (Such a day, and year, and place)was committed, or to the aforefaid T. N. and E. after Espoufalls between them celebrated, hath not rendred; but the same to render to them hath denyed, and the same tothem the said T. N. and E. as yet to render doth deny and unjustly detain, whereupon : they say they are damnified and have damage to the value of five pounds, and thereupon they bring their Action, and they bring here into Court the Letters of administration, &c.

The Defendant pleads be was within age at

And the aforesaid I. by R. B. his Attorney comes and defends the force and injury when . &c: and sayes, that the aforesaid N. and E. the time of the ought not to have their Action aforesaid against him, because he saith, making of the that he at the time of the making of the bill aforesaid was within the age of one and twenty years, and this he is ready to aver, whereupon he demands Judgment, whether the aforesaid T: W. and E: ought to have their action aforesaid against him, &c:

> And the aforesaid T. N. and E. say, That they by any thing before alleadged ought not to be debarred from having their Action aforefaid against the said I, because they say that the aforesaid I, at the time of the making of the Bill aforelaid, was of the full age of one and twenty years, and not within age, as the aforesaid I, hath above alleadged, and this they pray may be inquired of by the Country, and the aforefaid I. in like manner, Therefore command is given to the Sheriff that he cause to come twelve, &c.

F. was summoned to answer F. B. of a Plea , that he ren- Debt brought

der him forty shillings which he ows him, and unjustly de-by an Astorney tains, &c. And whereupon the faid F. in his proper and Expences person sayes, That whereas the aforesaid G. (such a day Trin 8. Eliz, year and place) did retain him the faid F. to be of Councell of him the Rot. 851. faid G, to prosecute for him the faid G. as his Attorny in he Court of our Lord the King here at Westminster a certain original! Writ under his name against w. w. P. P. and R. M. in the same Writ named of a Plea of Trespass to be seturned before the Justices of our Lord the King of the Bench here from the faid (fuch a day and year) fo long as both parties aforesaid should please, taking for his Fee and labour in that part sustained, each Tearm wherein the said F. stood Attorny for him the fayd G. three shillings and four pence, over and above his Costs and Expences by him about the profecution of the process upon the said Writ as for writing of Writs, fealing of them, Entries of Pleas, and Warrants of Attorny to be put in, by which he the faid F. from the aforefaid (fuch a day and year) for fix Tearms then next following, stood Attorny for him the faid G. in the aforesaid Bench, and divers Writs iudiciall upon the aforesaid originall Writ, under the name, and for the aforesaid G. did prosecute in the same Court, and twenty shillings of the aforefaid forty shillings to him the faid F. for his Fees by the same time, were in arrear unpaid, by which the Action accrued to him the faid F, to require and have of the faid G, the fame twenty shillings, and also he the said F. for the aforesaid G. in Costs and Expences about the profecution of the Writs aforesaid, and other process thereupon had, as in writing of Writs and fealing of them, Entry of pleas, and Warrants of Attorny, did lay out fourteen shillings of the aforesaid forty fhillings, by which the Action did likewife accrue unto the faid F, to require and have of the aforefaid G. the faid 14s, and whereas the aforelaid G. (fuch a day year and place) also borrowed of the aforesaid F. fix shillings residue of the aforesaid forty shillings to be payd to him the faid F, when he should be thereunto required, yet the aforesaid G, although often required the aforesaid forty shillings, to him the faid F. hath not rendred it but the fame to him hitherto to render hath denyed, and as yet doth deny, whereupon he faith, that he is damnified and hath damage to the value of a hundred shillings, and thereupon he brings his Action, &c.

And the aforesaid G. by T. H. his Attorny, comes and defends the force and injury when, &c. and laith, that he owes not to the aforefaid F. the faid 40s. or any peny thereof in the form wherein the faid F, hath above against him declared, and of this he puts himself upon the Country, and the aforesaid F. in like mauner, therefore Command

is given to the Sheriff, that he cause to come twelve. &c.

mentilly after the majory, Scaning, and Delivery exists

A Judgmens in Debt by default.

A Nd the aforesaid T. by I. F. his Attorney, comes and defends the Aforce and injury when, &c. And fayes nothing in bar or avoidance of the aforesaid Action of the aforesaid W. by which the said w. Gould remain against the said T. thereupon undefended: Therefore, it is confidered, that the aforefaid w. shall recover against the said T. his debt aforefaid, and his damages, by reason of the Detainer of the fame Debt unto twenty pounds to him the faid W. of his Affent by the Court adjudged, And the aforefaid T. in mercy, &c.

A Plea in Bar to a Declaration, upon a Plaintiff bath razed the Bond and alterd the Sum.

A Nd the aforesaid Defendant by I. C. his Attorny, comes and defends the Force and Injury when, &c. and fayes, That the aforefaid Plaintiff ought not to have his Action against him, because he saich Bond that the that he the day and year aforefaid, the writing aforefaid, of the fum of ewenty pounds caused to be written, and that containing in it only the Sum of twenty pounds, with his Seal did then Seal, and to the aforefaid Plaintiff as his Deed did then deliver: And the said Defendant Palch. 11. E- further faith, That after the making, Serling, and Delivery, of the liz, Rot. 753. fame Writing, the aforefaid Plaintiff at L. aforefaid did raze and put out out of that writing the aforefaid Sum of twenty pounds, and in the fame place writ and put in the aforefaid Sum of thirty pounds, by which the aforefaid Writing became void in Law; And this he is ready to aver, whereupon he demands Judgment, whether the Plaintiff ought to have his Action against him.

> A Nd the Plaintiff fayes, that he by any thing before alleadged Ought not to be debarred from having his Action aforefaid, becanfe he faith, that before the Sealing and delivery of the Writing aforefaid, the aforefaid fum of twenty pounds out of that faid writing was razed and put out, and in the place and flead of the fame fum the aforefaid Sum of thirty pounds, as well by the Assent of him the faid Plaintiff as of the Defendant into that faid writing was written and put in, and that after the same Sum of thirty pounds was written and put into the faid Writing, the aforefaid Defendant, the day and year aforfaid, at L. aforefaid, the aforefaid writing to him the faid Plaintiff as his Deed, he did deliver, without that, that the aforesaid I. after the making, Sealing, and Delivery of the Writing aforesaid, did raze and put out out of the aforesaid Writing, the aforesaid Sum of twenty pounds as the aforefaid Defendant hath above alleadged; and this, &c. whereupon he demands Judgment, and his Debt aforesaid. together with his Damages by reason of the Detainer of the same Debt, to be adjudged unto him, &c.

> Nd the aforefaid Defendant as formerly faith, that the afore-Laid Plaintiff, after the making, Sealing, and Delivery of the Writing

writing aforefaid, did raze and put out of the Writing aforefaid, the aforefaid fum of twenty pounds as he above hath alleadged, and of this he puts himself upon the Country, and the aforesaid Plaintiff in like manner, therefore command is given to the Sheriff, that he cause to come here, three Weeks after the Holy Trinity, Twelve, &c.

C. lately of L. in the County of N. Knight, otherwise cal- London ff. led C. C. &c. was summoned to answer H. Lord Danvers Narc. fu. of a plea, that he render him two hundred pounds, &c. by obb. Hill. 22. an obligation dated at London, &c. The fix and twentieth of Jacobi. Rot. May in the eighteenth year of K. James, An. xc. Pomeroy. And the aforefaid C. by I. Serle his Accorny, comes and defends the force and injury when &c. And prayes hearing of the Writing aforesaid, and it is read unto him, &c. he prayes also hearing of the condition of the fame writing, and it is read unto him in these words, The Condition of this Obligation is such, that whereas the above bounden William Hayward, bath had, and received at the hands of the right honorable the Lady Elizabeth Hatton the sum of one hundred pounds of lawfull English mony for his entertainment or wages in ber service, for the terme of five years beginning at the tenth day of Aprill last past, after the rate of twenty pound, by the year, for every of the faid five years, if therefore the faid W. H. shaleither depart this naturall life, before the Expiration of the faid five years, or shall not continue in Service with the faid Lady Elizabeth, by the space of all the said five years, or that the said Lady Elizabeth shall think fitt to discharge him the said W. H. of her faid fervice before the End of the faid five years, then the the faid Lady Elizabeth, to give him a quarter of a years warning of such her pleafure to discharge him of such her service. If therefore the abovebounden W. H. H. fermyn, and C. C. or any of them, their Heirs, Executors or Administrators, or any of them shall within three months next after the decease of the faid VV. H. or his departure from the fervice of the faid Lady Eliz, whether of them shal I. happen, wel, & truly pay or cause to be payd unto the above named the Lord Danvers, his Executors Administrators or Assignes, so much of the said 100%. as shall be then behind, deducting after the rate of twenty pounds by the year for to many years, or fo long time of the faid five years as the faid VV. H. shall have continued in service with the faid Lady Eliabeth Hatton (the faid payment to be made at or in the now dwelling house of the said L. E. in Holbern, commonly called Harron house: That then this obligation to be void or elfe to remain in full force : Which being read and heard, the same C. saies that the aforeiaid H. ought not to have his Action aforefaid against him, because he faith, that the aforeiaid E, after the making of the Writing aforefaid, to wit the aforefaid twenty fixth of May, in the Raign of our aforefaid Lord the King

King that now is, the eighteenth aforefaid at London in the Darith and Ward aforelaid, did retain the aforelaid UV. H. in the fervice of her the faid E. to serve her the faid E. according to the form of the Condition aforesaid above specified: And that the faid VV. by virtue of the retainer aforesaid, from the aforesaid time of the fame retainer, untill the first of July, in the Raign of &c, the nineteenth at L. in the Parish and Ward aforesaid, her the said E. did faithfully serve; which said first day of July, the said E. at L. in the Parish and Ward aforesaid, the aforesaid VV, from her service aforefaid she did discharge: And the said VV. thereupon, then and there against the will of him the said VV. from the aforesaid Service of the aforelaid E, was compelled to depart, and then and there departed: And that the faid E. did not give to him the faid VV. warning or notice of the Will of her the faid E. by the space of a quarter of a yeare, to discharge him the said VV. from her Service aforelaid, according to the form and effect of the Condition aforeiaid: And that the faid VV: as yet remaines alive and in perfect health. to witt at L. in the Parish and Ward aforesaid : And this he is ready to aver, whereupon he prayes Judgment, whether the aforefaid H. ought to have his Action aforefaid against him.

And the aforefaid H. fayes. That he by any thing before alleadged. ought not to be debarred from having his Action aforefaid, because he faith, That it is true and Just that the aforesaid & after the making of the writing aforesaid to witt the aforesaid six and twentieth day of May, in the eighteenth yeare aforefaid, at L. in the Parish and Ward aforesaid, did retain him the said w. in the Service of her the faid E. to ferve her the faid E. according to the form in the Condition aforesaid above specified: And that the same W. by virtue of the retainer aforesaid, from the aforesaid time of the same Retainder, untill the first day of July, in the ninetheenth year aforefaid at L. in the Parish and Ward aforesaid, her the said E. did ferve, which faid first day of July, the faid E. at L. in the Parish and Ward aforesaid, the aforesaid w. from her service aforesaid, did discharge, as the aforefaid Charles hath above by his pleading alleadged: But the same H. further faith, That after the making of the Writing aforesaid, and by the space of a quarter of a yeare, before the said first day of July, to with the fix and twentieth day of March; in the nineteenth year aforefaid at L. In the Parish and Ward aforefaid, the aforefayd E. gave to him the faid VV. warning and notice of the Will. of her the fayd E. to discharge him the faid VV. from her Service aforelayd, according to the form and effect of the Condition aforefayd. And this he is ready to aver, whereupon he prayes Judgment, and his Debt aforesaid, together with his Costs, by occasion of the Detainer of the same Debt, to be adjudged unto him.

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A ND the aforefaid C. fayes, that the aforefayd E. gave not A the aforesaid VV. warning and notice by the space of a quarter of a yeare, before the faid fir t day of July, in the nineteenth yeare aforefayd, of the will of her the faid E. to discharge him the faid VV. from her Service aforesaid, according to the form and effect of the Condition aforesaid, as the aforesaid H. hath above by replication alleadged : And of this he puts himselfe upon the Country, and the aforefaid H. in like manner: Therefore Command is given to the Sheriff, that he cause to come here in eight daies, after the Purification of the bleffed Virgin Saint Mary, twelve, &c.

EORGIUS B. lately of C. in the County aforesaid, Yeo- Devon. f. I man, was Summoned to answer VV. D. and R. F. Executors of the last will of R. N. Of a Plea that he render him one hundred and fixty Pounds by Obligation, dated at T. the fixteenth day of June, 9. Jacobi.

And the afresoaid G. by I. P. his Attorney, comes and layes, That The Defendant unto the Declaration of the aforested W. and P. F. and P. And P. F. and P. he unto the Declaration of the aforesaid VV. and R. F, aforesaid, scription of the ought not to answer, because he faith, That he the faid G. long be- Stannaries confore the Isluing forth of the Originall Writ, of them the said VV. firmed by Edand R. F. the aforesaid G. was, and yet is a Stannor, working in the ward the first. aforesaid County of Devonshire: And that all the Stanners working in the Stannaries of our Lord the King, in the County aforesaid, time out of minde, were free and quiet, of Pleas of Natives, and of all Pleas and demands of our faid Lord the King and his Heires, in any manner touching: So that they should not answer before any Justices or Ministers of our said Lord the King, or his heires, of any Plea or complaint within the Stanneries aforesaid arising, unlesse before the Keeper of our faid Lord the King, and his Heires, which for the time being shall be (excepting Pleas of Land, life or members) nor shall depart from their work, by the Summons of any Ministers of our faid Lord the King, or of his Heires, unleffe by the Summons of the faid Keeper: Which faid Prescription and Custome, Edward late King of England the first, by his Letters Patents, with his great Seale of England sealed, bearing date at VVestminster in the County of Middlesex, the tenth day of April, in the three and thirtieth yeare of his Raign of England, to the amendment of his Stannaries, in the aforesaid County of Devenshire, and to the tranquility and profit of his Stannors of the same Stanneries did confirm: And the aforesaid G. further faith, That he the day of the Issuing forth of the Originall Writ of them the faid VV and R. F. was and yet is a Stannor, working in the Stanneries aforesaid, that is to say at C, in the aforesaid County of D. And that the Writing aforefaid, here in Court brought. was made within the Stanneries aforefaid (that is to fay) at C. aforesaid, in the County aforesaid, upon a certain contract there. between the faid R. N. in his life time, and him the faid G. lately made, the same G, within the Stanneries aforesaid, then and there, and as yet working : And this he is ready to aver, whereupon he prayes Indement, if the Court here will or ought, any further to hold or justifie the faid Plaint against him the faid G. &c:

An Action of Debt brought upon an Nitaflet. Mich. 19. Jacobi, Rot. 2898.

ON DON f. 7. Gouldesborough Efq; Executor, of the last Will of I. G. Efg; lately one of the Prothonotaries of our fayd Lord fimuli computhe King, of his Bench here, by R. B. his Attorney, complaines of T. B: Gentleman , one of the Attorneys of our fayd Lord the King. of his Bench here present, here in Court in his proper person, for that he bath not rendered to him the layd I: G: feven Pounds fix Shillings and foure Pence, which he unjustly detaines from him, for that. (that is to fay) whereas the aforelaid T. (fuch a day, yeare, and place) did accompt with him the faid I: G: of divers Sums of Money. by the aforesaid T: to one I: G: E/q; Father of him the said I: lately one of the Prothonotaries, of the Court of our faid Lord the King, of his Bench aforesaid, in his life time due, and of right accustomed to be payd, for the Fees and rewards of him the fayd 1: G: the Father, for lintries and Inrolements of divers Declarations and Pleas of the aforefayd T: in the Roles of the Court here, of Record now remaining by him the faid T: in divers Tearmes before that time made and pleaded: And upon that account the aforesaid T: was found in arreares towards the aforelaid 1: G: the Father, in the aforelaid feven Pounds eight Shillings and foure Pence, by which the Action did accrue to him the lavd Plaintiff, to require and have of the afore. layd T: the aforefayd feven Pounds fix Shillings and foure Pence. vet the aforefaid T: although often demanded the fayd feven Pounds fix Shillings and foure Pence to him the faid Plaintiff, he hath not rendered it, &c.

Debt upon a retainer for a School-Mafter.

An Action of D G: lately of L: was Summoned to answer VV: 'B. of a Plea 1 . that he render him a hundred Marks which he owes him and unjustly detaines : And whereupon the faid VV: by I: H: his Attorney fayes. That whereas he the aforefaid R. (fuch a day veare and place) did retain him the faid VV: then being School-Mafter. and learned to teach and instruct, in good letters and manners, 2V. G: and L: G: the Sons of the aforesaid Defendant, taking of the aforelaid Defendant, for the labour of him the faid Plaintiff in that behalfe every yeare, wherein the faid Plaintiff, the aforefaid N. G. and L. G: Sone as aforefaid fhould teach and instruct, thirty pounds: By virtue of which retainder he the fayd Plaintiff, the aforelaid W: G:

and L. G. the Sons , de. from the aforefaid (fuch a day and yeare abovefaid) by two whole years then next following, in good letters and manners at L. L. did teach and inftruct : And fixty Pounds of the aforefaid hundred Marks, to him the faid Plaintiff for his labour therein, by the same time became in arrear, and as yet remain unpayd, by which the action accrued, &c. Lay a Mutuat. for the residue to be payd, when he shall be thereunto required, &c. And thereupon he brings his fuit , &c.

ORSET. J. IM. lately of, &c. was fummoned to answer Debt upon a VVilliam Harbyn and Mary his Wife, the Exceutrix of the Tea Demile for stament of VV. I. of a plea, that he render them twenty pounds five Castell lem se Shillings, which he unjustly detaines from them, &c. And where- Farme. upon the same VV: and M: by I: D: their Attorny, say, that whereas Mich 16. Iat cobi. Rot. the aforesaid VV. I. in his life time, that is to say (such a day and year) 909. at S. did put to the aforesaid I. fifteen Cowes with the whole profit and Emolument of the same Cowes in any manner coming or arising (from the fame day and year) aforesaid, unto the Feast of the Annunciation of the bleffed Virgin Mary, in the year of our Lord 1618. to pay to him the faid W. I. his Executors or Affignes for each Cow of the aforefaid fifreen Cowes, for the time aforefaid, forty fix fhillings &c. eight pence, amounting in the whole to five and thirty pounds, at four Tearms of the year, (that is to lay) At the Feast of the Nativity of Saint John Baptist, Saint Michael the Arch-Angel, the Birth of our Lord, and the Annunciation of the Bleffed Virgin Mary, by equalportions to be payd, by virtue whereof the aforesaid I, the aforesaid fifteen Cowes, by the whole time aforesaid had, and occupied, and the Milk, and Calves, and the whole profit and Emolument of the fame Cowes coming and arifing to his own proper use he did apply and convert, and the aforesaid VV. I. after (the aforesaid day and year) that is to fay (fuch a day and year aforesaid) at S. aforesaid , dyed ; and fix and twenty pounds and five thillings of the aforefaid five and thirty pounds payable at three Feafts of the Feafts aforefaid, that is to fay, At the Feast of Saint Michael the Arch-Angell, The Birth of our Lord, and at the aforesaid feast of the Annunciation of the Blessed Virgin Mary, in year, 1618. aforesaid, and after the Death of the aforesaid W. 1. to her the faid M. whilst she was sole, were in Arreare, and as yet remain unpayd, by which the Action did accrue to her the faid M. whilst the was fole, and to them the faid W: H. and M. after Efoonfalls celebrated between them, to require and have of the aforefaid I the aforesaid 261. and 50, yet the aforesaid I. although oftenerequired the aforesaid fix and twenty pounds and five shillings, to her the faid M. whilft the was fole . or to them the fayd W. and M. after Efpoulalls between them celebrated, he hath not rendred; but the fame to them to render, hitherto hath denved, and the fame to them

the faid W. and M. as yet to render doth deny, and unjustly detain, whereupon they say they are damnissed, and have damage to the value of thirty pounds, and thereupon they bring their Action, and they the said W. and M. produce here in Court the Letters Testamentary of the said VV. I. by which it doth sufficiently appear to the Court here the sayd M. to be Executrix of the Will aforesaid, and thereupon to have Administration, Gr.

London f.
Debt by a Surgeon for curing a wound.
Mich. 6, Iacobi, Rot. 660.

D. lately of . &c. was summoned to answer A. Donehton of a De plea, that he render him firfy fhillings which he owes him and unjustly detains, &c. And whereupon the faid A. by L. B. his Attorny fayes, that whereas the aforefaid R. (fuch a day and year) at London, in the parish of Saint Mary-Bow in the VVard of Cheap. London, did retain him the faid A. to cure him the faid R. of a certain wound in the right fide of his breast, of which the aforesaid R. did then languish, taking of him the said R, for curing of the aforesaid wound of the said R. the aforesaid fifty shillings to be paid to him the taid R, when he should be thereunto required, by virtue of which Retainder, hethe faid A. the aforesaid R. of the wound aforesaid afterwards at L. in the parish and V Vard aforesaid did cure, by which the Action did accrue to him the faid A. to require and have of the aforefaid R. the aforefaid fifty shillings, yet the aforefaid R. although often required the aforesaid fifty shillings to him the said A. he hath not rendred; but the same to him hitherto to render hath denved, and as ver doth deny, whereupon he faith, he is damnified, and hath damage to the value of five pounds, and thereupon he brings his Action, &c.

Effex. ff.
Debt brought
by an Affignee
in Reversion
for Rent.
Trin. 20. Iacobi, Rot.
1002.

T R. lately of B. in the County of , &c. otherwise called I. R. of B. J. in the faid County of Effex Gentleman, was summoned to answer I. R. of a Plea, that he render him fourteen pounds which he owes him and unjustly detaines, &c. And whereupon the faid I. R. by John Rowley his Attorny, sayes, that whereas one J. Paternoster, and Agnes his Wife, were feized of one Messuage and five acres of Land with the Appurtenances in B. aforesaid in their Demesne as of freehold for tearme of the lives of them the faid I. P. and A. and the longer liver of either of them, and being fo thereof feized, the faid I.P. (such a day and yeare) at B. aforesaid, by his certain Indenture made betweene him the faid I. P. of the one part, and the aforesaid I. R. of the other part, which faid other part with the Seal of the aforefaid I. R. figned the aforefaid I. R: brings here into Court, the date whereof, is the same day and year, did demise, and to Farm, let unto the aforesaid 1. R. the Tenements aforesaid with the Appurtenances, by the name of that whole Meffuage with the Appurtenances, then in the Tenure of R. F. lying in B. aforesaid, as also of that whole Barn or Cottage and Close with the Appurtenances lately in the Tenure of W. R.

W. R containing by Estimation five Acres, whether more or leffe, lying alfo in B. aforefaid, between the Kings way there of the one part. and the Lands in the Tenure of M. L. or his Assignes of the other part, one head whereof abuts upon the Tenements of Ciprian Vintner rowards the North . and the other Head upon the Lane or Chafe towards the South, to have and to hold the aforefaid Tenements with the appurtenances to the aforefaid I. R. his Executors and Affignes from the Feast of Saint Michael the Arch-Angell, then last past, before the Date of the faid Indenture, unto the End and Tearm of fifteen years from thence next following to be fully complear and ended. rendring and paving therefore yearly, during the first two years of the faid Tearm one penny of lawfull Mony of England, at the Feast of Saint Michaelthe Arch-Angell, if it be lawfully demanded, and rendring and paying therefore yearly, during the whole refidue of the faid Tearm feven pounds of lawfull Mony of England, at the faid Feast. by virtue of which said Demise, the aforesaid I R. immediatly after the making of the aforefaid Indenture, into the Tenements aforefaid with the Appurtenances as aforesaid demised, did enter, and was thereof possessed & so being thereof possessed, and the aforesaid 1.P. and A. his Wife, of the Reversion of the Tenements aforesaid with the Appurtenances in their Demesne as of free hold for Tearm of their lives. & the longer Liver of either of them in form aforefaid being feized the aforefaid A. after the making of the Indenture aforefaid to wit (fuch a day, year, & place) aforesaid, died of such her state, of, & in the premises aforesaidseized, and the aforesaid I. P. survived her, & was sole feized of the Reversion of the aforesaid Tenements with the appurtenances as of his Free-hold for Tearm of his life of him the faid I. and the aforesaid I. P. of the same Reversion being so seized, and the aforesaid I. R. of the Tenements aforesaid with the Appurtenances in form aforesaid being possessed, the same I. P. afterwards (to wit such a Day and year at B. aforesaid by his certain Writing indented with the Seal of him the faid I. P. Sealed, and here in Court shewen; whose Date is the same Day and year, did Demise and grant to the aforesaid I. R. the aforefaid Tenements with the Appurtenances, to have and to hold to him and his Assignes to the aforesaid 1. R. his Executors and Assignes from the time of the making of the same writing unto the End of the Tearm of eighty years from thence next following, if the aforelaid I. should io long live; unto which faid Grant to the aforesaid I. R. by the aforesaid I. P. made as a foresaid, the aforesaid I. R. of the Tenements aforelaid in form aforelaid being possessed after the making of the Writing indented aforesaid, and before the Feast of Saint Michael the Arch-Angell, then next following, towit (fuch a Day, year, and place) did thereunto to the aforesaid I. R. attorn The attornand agree, by vertue of the which Grant of the aforesaid I, P. and by ment of the Te-

force nant.

force of the Attornment of the faid I. R. to him the faid I. R. as aforefaid made, the fame I. R. was, and yet is possessed of the Reversion of the aforefaid Tenements with the Appurtenances, for and during the whole Residue of the said Tearm of eighty years, then, and as yet to come unexpired if the aforefaid I P. should so long live, and the aforelaid I. R. being to thereof polleffed, and the aforelaid I. R. of the aforesaid Tenements with the Appurtenances as aforesaid being possesfed, the aforesaid fourteen pounds of the Rent aforesaid, for the aforefaid Tenements at the Feast of Saint Michael the Arch Angel in the nineteenth year of the King that now is, for two years then ended, to him the faid I. R. were in arrear, and as yet remain unpaid, by which the Action did accrue to him the faid I. R, to require and have of the aforesaid I. R. the fourteen pounds aforesaid, yet the aforesaid I. R. although often required the aforesaid fourteen pounds, to him the faid R . he hath not rendred it ; but the fame to him hitherto to render he hath denyed, and as yet doth deny, whereupon he faith, that he is damnified, and hath Damage to the value of ten pounds, and thereupon he brings his Action, &c. With this, that he the faid I. R. will aver, that the aforefaid I. P. as yet is alive, and in full Health, that is to fay, at B. aforefaid.

A N D the aforelaid I. R. in his proper person, comes and defends the force and injury when, &c. and fayes nothing in Bar or preclufion of the aforefaid Action of the aforefaid I. R. whereby the fayd I. R. should remain against him the said I. R. undefended, therefore it is confidered that the aforesaid I. R. shall recover against the faid I. R. his Debt aforesaid and his Damages, by reason of the Detainder of the fame Debt unto fixty shillings, to him the faid I. R. of his Affent by the Court here adjudged: And the aforefaid I. R. in Mercy G.C.

Debt upon a Bill for matter makung and sealing o the Bill. cobi. Rot. 2970.

ON DON f. G. Shillitoe lately of London, Efg; otherwise called G. Shillitoe of Gray (e-Inne in Holborn in the County of Middleaccording after fex Efg; Was Summoned to answer John Hatt, of a Plea that he render him twenty Pounds which he owes him, and unjustly detaines. &c. And thereupon the fame I. by W. Smythier his Attorney, fayes, Trin, 20. Ia. That whereas the aforesaid George (such a day, yeare, and place) by his certain Bill Obligatory, which the faid I, with the Seale of the aforesayd G. figned here in Court produces, whose Date is the same day and yeare, did acknowledge himselse to owe to him the faid I. five Pounds and twelve Shillings, of lawfull Money of Eng. land, to be paid upon the twentieth day of the same instant Month of November: And for the same payment truly to be paid at the house of him the said I. in little Alhollowes Thamestreet London, upon the day aforefayd, and for all Beere which the aforefaid G. should

receive

receive of him the faye I. between the making of the Bill aforefaid, and the eight and twentieth day of March then next following, at fuch rates as the fame should be delivered ; the aforesaid G. did binde himselfe, his Heires, Executors, and Administrators, in twenty Pounds . of lawfull Money of England, to be paid to him the faid J. his Executors or Administrators, if default should be made in part or in whole, as is aforefayd by the same Bill, as by the same Bill more fully is manifest : And the aforesaid I. in fact faith, That he after the making of the Bill aforesaid, and before the said eight and twentieth day of March then next following, to witt the first day of Feburary, in the yeare one thousand six hundred and twenty aforesaid at London, in the Parish and Ward aforesaid, did sell and deliver to the aforefaid G. three barrels of Beer, at the rate of ten Shillings for each Barrell thereof, and foure other barrels of Beer, according to the rate of fix Shillings for every Barrell thereof; which faid barrels of Beer, the aforesaid G. at the rates aforesaid of him the said I, then and there received: And the aforelaid I. by protestation faith, That the aforesaid G. payd not to him the said I. any of the Sums of Money above specified, according to the form and effect of the Bill aforesaid: In fact he the faid I. further faith, That the aforefaid G. did not pay to him the faid I. the aforesaid five Pounds and twelve Shillings, upon the aforefaid twentieth day of November, which he ought to have payd unto him upon the same day, according to the form and effect of the Bill aforesaid, by which the Action did accrue to him the faid I. to require and have of the aforefaid G. the aforefaid twenty Pounds, yet the aforesaid G. although often required the aforesaid twenty Pounds to him the said I. he hath not as yet rendred. but the same to him hitherto to render hath denyed, and as vet doth deny, whereupon he faith, He is damnifyed, and hath damage to the value of ten Pounds, and thereupon he brings his Suit. &c.

OMMAND was given to the Sheriff, whereas T. W. lately A declaration in the Court of our Lord the King that now is, to witt the Term on a Sci. fa. of Saint Hillary, in the nineteenth years of the Kings Raign that against Ternow is, before H. Hobart Knight and Baronet, and by the Confi Judgement deration of the same Court, did recover against T. P. lately of, &c. thereen, and Otherwise called T. P. &c. As well a certain Debt of twenty Pounds Execution aas fifty Shillings, which to him the faid T. VV. in the fame Court was ded. of our faid Lord the King here, were adjudged for his Damages cobi Rot which he had by reason of the detainder of the same Debt, whereof 2948. he was convicted, as by the Records and Processe, Ge. Yet Execution, &c. And the aforefaid T. P. is dead, as by the information of the aforesaid T. W. the King hath received : And because, &c. That by honest men, &c. he cause to be made known unto the Te-

nants of the Lands and Tenements, of which the aforefaid T. P was Seized in Fee-simple, in eight dayes of Saint Hillary, in the nineteenth yeare aforesaid, &c. On which day the Judgment aforesaid was rendred, or at any time after in his Bailywick, that they be here at this day, to witt in eight dayes of Saint Hillary, to fhew if any thing, &c. Wherefore the aforefaid T. W. ought not to have Execution against them, of the Debt and Damages aforesaid, of these Tenements aforefaid with the Appurtenances, to be levied according to the form of the recoveries aforesaid, if, &c. And now here at this day came as well the aforesaid T. W. by R. B. his Attorney. as R. P. Son and Heire of the aforefaid T. P. by A. Laughton his Attorney: And the Sheriff to witt 1. W. Knight, now returnes, that he by virtue of the same Writ to him directed, by T. S. and W. S. honest men, &c. hath made known to the said R. P. Tenant of one Meffuage, &c. with the Appurtenances in B. in the County aforefayd, which faid Tenements aforefaid with the Appurtenances were the aforesaid T. P. of which the same T. P. was Seized in his Demelne as of Fee-simple, in eight dayes of Saint Hillary, in the nineteenth yeare aforefaid, on which day the Judgment was rendred as aforesaid, for the Debt and Damages aforesaid, of being here at this day to shew in form aforesaid, e.c. And upon this the faid T. W. prayes Execution against him the faid R. P. of the Debt and Damages aforesaid, of the Lands and Tenements aforesaid, with the Appurtenances to be adjudged unto him, and prayes that the aforefayd R. may answer to his Writ aforesaid, &c.

And the aforesaid R. sayes nothing in retarding or debarring of the aforesaid Execution of the aforesayd T. W. by which he the faid T. W. should remain against the said R. thereupon undefended: Therefore it is confidered that the aforelayd T. W. have Execution against the said T. R. of the Debt and Damages aforesayd, of the Lands and, Tenements aforesaid with the Appurtenances

whereas the faid R. in form aforefaid, is returned Tenant, &c.

Debt for annamy against the Wife by the grant of the Mich. 18. & 19. Fliz Rot. 916.

Westmerland G. lately of, &c. and E. his Wife, otherwise called E. &c. Was summoned to answer R. B. of a Plea that they render him twenty pounds which are arrear unto him of the yearly Rent of ten Husband and pounds which they owe him, &c. And whereupon the fame R, by N. E. his Attorny fayes, that whereas the aforesaid E. whilst The was fole, (fuch a day, year, and place) by her certain Writing, which he the (aid R: with the Seal of the aforefaid &. figned here, brings into Court, whose date is the same Day and year, for divers good causes and confiderations, her the faid E, moving, did grant unto him the faid R. the aforefaid yearly Rent of ten pounds, to hold and yearly to receive the aforesaid annual rent to him the said R. immediatly after the Death of one R. P. for and during the life of the aforesaid E, from thence yearly

yearly at the Feast of Pentecost and Saint Martin in the Winters by equall Portions to be payd, as in the same Writing more fully is contained: And he the faid R. B. fayes, That the aforefaid R.P. afterwards, that is to fay (Such a day, yeare, and place) in the County aforesaid dyed, yet the aforesaid T. and E. the aforesaid annuall Rent of ten Pounds for two yeares, next before the day of the issuing forth of the original! Writ of him the faid R. B. to witt (fuch a day and yeare) have withholden, and the same to him to render have denyed, and as yet deny, whereupon he fayth, he is damnifyed, and bath damage to the value of twenty Pounds, and therenoon he brings his Suite, &c.

And the aforesaid T. and E: by R. L. their Attorney, come and defend the Force and Injury, when, &c. And the same Attorney sayes, That he is not informed by them the faid T. and E. his Clients, of any answer, &c. And nothing, &c. by which, &c. Therefore it is considered of, that the aforelaid R. recover against the aforesaid T. and E, the annual Rent aforefaid, and the Arrearages of the same, as well before the issuing forth of the original Writ of him the faid R, as after incurred, which in the whole, amount unto thirty Pounds, as also his Damages, by reason of the withholding of the same yearly Rent, unto twenty shillings, to him the fayd R. of his affent by the Court here adjudged: And the aforesaid T. and E: in mer-CY. O.C.

T L. was summoned to answer the Keepers, &c. and T. N. who as upon the Sta-J. well for the fayd Keepers, &c. as for himselfe followeth, of a plea tute against that he render to the same T. one hundred pounds which to the sayd fraudulent Keepers, &c. and the same T. he oweth and unjustly detaineth, &c. him who a-And whereupon the same T. who as well, &c. by C. B. his Attorney vewerba fraufaith, That whereas in the Statute in the Parliament of the Lady Eli-delint gift to zabeth late Queen here (that is to fay) at w. in the County of M. defraud the the second day of A. in the thirteenth yeare of her Raigne held and pull debr, published, amongst other things, &c. (reciting the Statute) And wherehy be whereas one W. T. the last day of ?. (in such a yeare) was indebted ferfeited the to the fayd T. who, &c. in seventy eight pounds and eighteen shil- value of the lings, and the same day and year at N. was possessed of divers Goods Goods. and Chattels (that is to fay) of eighteen peices of double Bays, fix peices of fingle Bays, &c. as of his proper Goods and Chattels; and being thereof so possessed, and in the aforesayd seventy eight pounds and eighteen shillings to the same T. as aforelayd, being likewise indebted, afterward (that is to fay) the aforesaid last day of I. (in fuch a year) aforefaid at N. aforefaid, by fraud, collusion, and deceit, between him the fayd W. and the aforefaid I. devifed and forethought of, and to defraud, hinder, and defer him the fayd T. of his Debt aforesaid hath given and aliened the aforesaid Goods and Chat-

tells to the faid I after which faid Gift, and Alienation, fo by Fraud and Collusion made and had (that is to fay) the same last day of I. (in such a year) aforefaid, the same T. at N. N. aforefaid, according to the custome of the City of Norwich, time out of mind used, did endeavour and pretend to attach the aforelaid w. by the Goods and Chattells aforelaid for the more furer recovery of his Debt aforelaid and the aforelaid Tathat perceiving and knowing his Gift and Alienacion aforesaid by Fraud and Collusion to be made and had to the intent to hinder, and defer him the faid T. of his Debt aforefaid; and to hinder the faid Attachment, according to the custome of the City aforesaid from being done, the Statute aforesaid not caring for, neither the pain in the fame contained, feating afterwards (that is to fay) the same last day of I. (in such a year) at N. aforesaid, knowingly and voluntarily did avow and maintain the Gift and Alienation aforefaid. as true and honest, and an Act had and done in Good Faith, and upon good confideration in concempt of the faid Keepers, &c. And to the greivous Damage of him the faid T. and against the form of the Statute aforefaid by realon of which faid Avowry and maintaining of the Gift and alienation aforesaid, the said T, did altogether defift to profesure the Attachment of the Goods and Chattells aforefaid according to the custome of the City aforesaid, and the said T. saith, That the Goods and Chattells aforefaid at the time of the Gift and Alienation aforesaid, were worth a hundred and seventy pounds, by which Action accrued to the faid T. (who by the faid Covinous and fraudulent Gift and Alienation, Avowry, and by the maintaining as aforefaid of his just Debt aforesaid, is hindred and retarded) to have and require of the aforefaid I. for the fame Keepers, &c. And for bimfelf the aforesaid hundred and seventy pounds, yet the same I. although often required, ded to the seek late a little of the little of the participation of the later of

Won the Statute of Bank-YEPt.

so became a

Bankrupt.

A ND wherenpon, &c he faith, that whereas the aforefaid De-I fendant (fuch a Day and year,) had bought of one P. E. four Reams of paper for, &c. And whereas the aforefaid P. E. (fuch a day and year) was indebted to the faid I: and to one A. B. and V. and divers other persons, being Creditors of the faid P. & born Subjects of this Nation of E. in divers Summs of mony in the whole, amounting to one hundred pounds of lawfull Mony of England, and he the faid P. E. being fo indebted, and the aforefaid forty eight pounds fixreen thillings and four pence, being wholly payd to the faid P. E. by the faid E. The fame Phafterwards (that is to fay) (fuch a Day and Began to heep wear) at L in the Parish and Ward aforesaid, with an intent to debis House and fraud Scheisame I. and other Creditors of the faid P, E. of the Debts aforefaid being alcogether unpayd) did begin to keep his House there being and there upon the same P. E. (such a day and year) aforesaid.

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at L. aforefaid, in the Parish and Ward aforefaid, manifestly became a Bankrupt, which faid P. the aforefaid time, in which he fo as aforelaid became a Bankrupt, was and yet is a born Subject of this Nation (that is to fay) at L. in the Parish and Ward aforefaid: And then, and for many yeares before that time, in the fame Parish did feek he Trade of living, by way of buying and felling: And The commission whereas afterwards (that is to fay) Such a day and peare at VV. in out of chancethe County of Middlesex, at the Petition of the faid A. B. and I: ry at the Peti-V. and other Creditors of the fayd P. E. then exhibited and made tion of the creto Thomas Elesmere Lord Chancellour of England, for their remedy ditors. against P. E. then being a Bankrupt, in this behalfe, to be had to the fame A. B. and I. and other the Creditors of the fayd P. E. of their Debts aforesaid, then being unpayd, or satisfyed; a certain Commission of the fayd Keepers, &c. Upon the Statute against Bankrupts published and provided sealed under the great Seale of England of the faid Keepers, &c. And here in Court produced, bearing date at W. aforefaid (fuch a day and yeare) to one I. S. Efq; H. S. Efq; I. H. Merchant. R. H. Merchant, and W. M. Merchant was directed, by which favd Commission the layd Keepers, &c. gave full power to the faid Commissioners, foure or three of them, whereof the aforesaid I. S. or H. S. should be one, according to the severall Statutes of Bankrupts in such case published, and provided in the said Commission mentioned, not only concerning the fayd Bankrupts Body, Lands, Freehold, and customary Goods, Debts, and other things whatfoever: But also concerning all other Persons, which by plain consealment, or otherwise do or shall offend, touching the premisses aforefavd or any part thereof, against the intent and provision of the said Statures or either of them, to do and execute according to the favd Statutes or both of them, all and every thing or things what oever towards satisfaction and payment of the Creditors aforesaid, as towards and for all other intents and purpoles, according to the Ordinance and Provision of the fayd Statutes, by which Commission the fayd Keepers, Ge. willed and gave in Command, that the faid Commiffioners, foure or three of them, whereof the faid I. S. or H. S. thould be one, to proceed to the Execution and accomplishment of the faid Commission, according to the true intent and meaning of the aforesaid severall Statutes, and both of them with all diligence and effect, according to the speciall trust of the faid Keepers, &c. in them reposed, as by the same Commission more fully is manifest and appeareth: By virtue of which faid Commission, and by force of the Statutes aforesaid, the sayd H. R. and W. for the better remedy of the Cre- Indenture of ditors aforefayd, after mature deliberation thereof taken afterwards, affigument to that is to fay (Such a day and yeare) at L. in the Parish and Ward the Creditors . aforefaid, by a certain Indenture of Affignment, between them the faid H. R. and VV. of the one part, and the faid P. I. and I. of the

it is one and and as well to the other Creditors.

other part made, which other part figned with the Seales of them the faid H. R. and W. the fame P. I. and I: produce here in Court. the Date whereof is the same day and yeare, testifying that where-Averment that as, &c. reciting the Indenture, as by the fame Indenture amongst other things more fully appeareth: And the same P: I: and I: in the same Debt fact fay, That the faid Debt of seven and forty Pounds five fhillings and foure Pence, in the Schedule aforefaid, amongst other things Plaintiff as to to the faid Indenture annexed, and amongst other things to the fayd P 1. and 7: by the same Indenture, by the Commissioners aforesaid affigned, and the aforefayd Debt feven and forty Pounds five billings and foure Pence above specified, is the same Debt and not another, nor diverse, and is as well to the use of the said P. I. and I, as to the use of the rest of the Creditors of the said P. E. by which and by force of the Statutes aforesaid, action hath accrewed to the laid P. I, and I: to require and have . &c. Trin. 13. Jac. Rot. 3665.

Moon & Bill for payment of Mony and Chattells:

T G. &c. otherwise called &c. to answer T. D. of a Plea, that he render to him ten pounds which he oweth to him and unjustly detaineth, and one Nag of the price of a hundred shillings, and Goods and Chattells to the value of one hundred shillings, which from him he unjustly detaineth, &c. and whereupon, &c. he saith, that whereas, &c. by a certain Writing obligatory, which the faid Plaintiff fealed with the Seal of the faid Defendant, produceth here in Court, the Date whereof is the same Day and year he acknowledged bimself to owe to the faid Plaintiff ten pounds of lawfull mony of England, one Gelding called a Nag, of the price of a hundred hillings, and one velvet Saddle bound about with Gold Lace, &c. to be payd to the faid T. at the Day of Marriage or at the Day of the Death of the faid Defendant, which should first happen, and to the same payment, &c. by the faid Bill, and the fayd Plaintiff in Fact faith, that the aforefaid H. after the making of the Bill aforesaid, and before the Day of the iffuing forth of the Originall Writ of him the faid Plaintiff (that is to fay) (fuch a day and year) at C. aforefaid, took to Wife one A. B. by which Action accrued to the same T. to require and have of the aforefaid H. the faid ten pounds and the Gelding aforefaid, and the Goods and Chattels aforesaid, yet the sayd H. although often required the faid ten pounds, the Gelding and the faid Goods, and Chattells to the same T. hath not yet rendred; but the same hitherto to render to him hath denyed, and yet doth deny, and the Gelding, and Goods, and Chattells aforesaid , unjustly doth detaine: Whereupon, &c.

Bar by a gene rall acquistance.

TIS Action ought not, &c. because he saith, that after the making of the Writing aforesaid (that is to say) (such a Day and year) the faid Plaintiff by his certain Bill of acquittance which the faid Defen-

dant

dant figured with the Seale of him the faid Plaintiff, here in Court produceth, the Date whereof is the fame day and yeare, he acquitted and discharged him the said Defendant by the name of, coc. of all Actions, Plaints, Demands, Debts, Accounts, and Debates, for the same R.W. and in his name executed and assigned, from the beginming of the World untill the day of the Date of the same Bill : And this, &c. if Judgment, &c.

THE Plaintiff fayth, That he ought not to be barred, de Itis not the because he sayth, That the aforesaid Bill of Acquittance is not his Plaintiffs deed : And this he prayeth, de. twelve, &c. Trin. 7. Jacobi, Rot, deed.

1410.

THE PARTY OF THE P A ND whereupon, de. he fayth, That whereas one T. H. Father By the Heire A of him the faid T. H. (fuch a day and year) at G. by his won an Indencertain Indenture, made between him the fayd T. H: the Father ture made by of the one part, and the said R. S. of the other part, which other part gainst bis Ex-signed with the Seal of the said R. S. the same T. H. the Son here ecutor of a in Court produceth, the Date whereof is the same day and year, Leffee for rent demifed to the faid R. S. in his life, fifty acres of Lands with the Ap- behinde in the purtenances in O. in the County aforefaid, to hold and occupy life of the Leffrom oc. Fully to be compleat and ended, yeilding, oc. (fuch a Rent) By virtue of which demife, the faid R. S. into the Tenements aforesaid with the Appurtenances, did enter and was thereof poffeffed, and being thereof to possessed and the faid T. H. the Father de being of the reversion thereof Seized in his Demesne as of Fee, the fayd T. H.the Father (fuch a day and year) at O. aforesaid, dyed of such his Estate thereof Seized, after whose death the reversion of the Tenements aforesaid with the Appurtenances, did discend to the same T: H. the Som as Son and Heire of the aforefaid T. H. the Father, by The Son was Which the same T. H: the Son, was Seized of the reversion of the Te- feized of the nements aforesaid, and of the Rent aforesaid, in his Demesne as reversion. of Fee: And he the fayd T: H: the Son, being thereof fo Seized, and the aforesaid R: S: of the Tenements aforesaid with the Appurtenances in form aforefaid, being possessed, the aforesaid R. (such a day and year) at O: aforefaid, dyed thereof poffeffed, and ten The Leftee dy-Pounds of the aforesaid twenty Pounds of the Rent aforesaid, for one ed. half year, ending at the Feast of, &c: In the year, &c: At the same Feaft, and by eight dayes then next following, in the life of the fayd R. and other ten Pounds residue of the sayd twenty Pounds of the Rent aforefaid, for one half year, ending at, &c: At the fame Feaft, and by eight dayes then next following, after the death of the fayd R: payable, were unpayd, by which the Action accrued to the fame. T. H. the Son, to have and require of the faid R, in his life, the faid ten Pounds of the faid twenty Pounds, and of the faid Defendant after the death of the favd R: the other ten Pounds, refidue of the aforefavd

forestyd forthog Pounds, yet the said Ap sainthis fife, atthough often edulifed the Mid bell Paulds of the Art swency Pounds and the (hid Defendant After the death of the the said at stehough somen required the faid other ten Pounds, residue of the faid stweety Pontitis to the fame Told. Have not rendred, but have denyed to rem der to him the fame and the faid Defendant dot le vol denvio render to him the fame, and unjuftly deraineth. Whereupon the fayth, de THE Plantiff lavel. That he ought not 2081 to A . s. 13 12 F.

A Release pleaded after the laft continuance.

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THEREFORE it is commanded to the Sheriff than he cause to come, &6, in five and twenty dayes of Easter, twelve, &c The same day . 60. At which day here came as well the aforesaid Plaintiff as the laid Defendant by their Afrorneys aforefaid And hereupon the Tame Defendant relinquishing his Averment aforefaid, by him above precended, favih, That the aforefaid Plaintiff after the laft continuance of the Plea aforelaid (that is to (ay) after the aforelaid eight dayes of Saint Hillary luft paft; and before this day (that is to fay) the faid five and twenty dayes of Eafter (that is to fay Such a day and yeare at Loudon, in the Parish and Ward aforefaid, by a certain Writing of releafe, which the faid Defendant figned with the Seale of the faid Plaintiff, here in Court produces, the Date whereof is the fame day and yeare? he remifed, con las (in the releafe more fully appeareth) And this " & 6.9 Whereupon he prayeth Judgment; and that the faid Plaintiff may be barned from his Action aforelaid, &c. Whereupon the faid Plaintiff prayeth licence to imparie here, untill, &c. And he hath, &c. The lame day is given to the faid Defendant here, &c. At which day here cameras well the aforelayd, Plaintiff as the faid Defendant by their Attorneys a forefaid : And bereupon the fame Plaintiff fayth, that he cannot deny but the aforelaid Writing of release is the Deed of him the faid Plaintiff as the faid Defendant flath above alleadged Therefore it is confidered of, that the faid Plaintiffs may take nothing by their Writ aforelaid but may be in mercy for their falle clamour thereupon: And that the faid Defendant may go without day, &col of 1,20 and

The Plaintiff take nothing by his Writ.

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PROPERTY.

ticles.

Debt upon Ar- WHEREUPON, &c. he fayth, That by Writing of Articles made at A, (fuch aday and yeare) between him the faid Plaintiff of the one part, and the faid Defendant of the other part, which other part, Tealed with the Seale of the faid Defendant, the faid Plaintiff here in Court produceth the Dare whereof is the fame day and yeare, it was covenanced, concluded, and agreed, in form following (that is to fay) First of all that, &c. as in the Arricles, as by the same Writing of Articles more fully appeareth . And the faid Plaintiff in fact layth, That although the aforesaid Defendant, bath had and occupied the free Egresse and Regresse, in and upon the faid

Acres of and culoub? according to the form and Eeffect of the Articles aforesaid, yet the said Defendant, although often required the faid twenty pounds to the fame Plaintiff hath not yet, &c.

(aid twenty pound) of 1917s) of all dis his read to him in the Plaintiff Wise of Canim, and before the Return of the schrowing of Ch The condition of this Obligation tie Such a that if the above bounden 1) H) his Heirs, &c. Da, and Ballifrom sime to time, and at all times bereafeet acquit, and discharge or otherwise faverand heep harmleffe the within named w. H. and T. D. and either of them . Oc. af and from all Boffer Porfeitures. Cops and Damages, which they ar any of them. Mill of way at any dime bereafter forfeit, loofe, beare of fastain. for on by meanes of and Obligation bearing Date of thefe Prefents, wherein and whereby they the faild wand D. stand joyntly and severally bound with the faid 1. H. to one B. P. in the fum of ten pounds, that then, Ge. which being read. Oc. His Action ought mot, oc. because be faith that the faid T and it or either of them after the making of the Writing a foref aid here in Court brought; were not in any manner damnified, by reason of the aforesaid writing obligatory of ten pounds in the Indorfment aforefaid above specified, in which the aforefaid T. and W, together with the same 7. for the debt of him the said I. joyntly and severally stand bound to the faid E. and this, &t. if fudgment, &c.

spen, &co was con peled and inreed to Expend and lay A ND the faid Plaintiff (dith ese onghi not to be debance . Offe The Plaintiff because he faith other the aforesaid E after the making of the for breach al-Writing aforefaid here in Court brought at C. aforefaid; took to Hul- ledgeth a fait band one H. Band, that the fame H. and & after Efponialis between projecuted athem celebrated, and before the Islaing forth of the Originall Writ of gain! him, him the faid T. (that is to fay) fuch a Day and year, for Recovery of thirty shillings, the aforesaid ten pounds upon the aforesaid writing obligatory in the and so was Indoisment aforesaid above specified, did profecute out of the Court damnified. of Chancery, of the faid Keepers, or At Westminster in the County of Middlefex! then being a certain Originall Writ of them the faid Keepers &c. of Debrupon Demand of the faid ten pounds against him the faid Defendant to the them Sheriff of Endireffed hu, which faid Writ the faid Keepers, Soil Commanded the faid Sheriff that he the faid Sheriff hould take present And unleffe . And that he thould fummon, oe At which Day &c. Pledges of profecuting, &cc. he could formion, therefore it was commanded to the then Sheriff that he Mobile rake percin three Weekes of Saint Michael &c. before which faid three weeks of Saint Michael (that is to fay) fuch a Day and year at & aforesaid . the same T. for his discharge of the aforefaid Writing obligatory of ten pounds, land in part of payment of that Debt, was forced unds compelled were trained and lay our thirty thellings and forthe milly faith that he westlemni-

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on of the faid Welting Obligatory of ten pounds. and this! tion has been also as with the beautiful to

The Defendant faith. That be paid the Mo mer and caused the Bond to be delivered and traverfeth the expence of thirty Shillings.

ND the faid 7. H. faith that he (after the iffuing forth of the Originall writ aforefaid, and after the profecuting of the aforein distance of faid Writ of Capies, and before the Return of the same Writ of Capies that is to fav) before the faid three Weeks of Saint Michael. nd before the aforefaid (furb a day and year) (that is to fay) (fuch Day and year) at Caforefaid for the Indemonifying of the faid T thereof and for the dicharge of the faid T, from the faid Writing oblieatory and from that fuit, paid to the faid H. and & the whole and mire Debt of ten pounds, and all the Cofts and Charges of the aforefaid H; and E. in and about that Debt, expended and lavd out, and also then and there did procure the aforesaid Writing obligatory by the faid H, and E to be delivered and cancelled, and that the aforefaid Writing obligatory of ten pounds by the procurement of him the frid T. H. then and there was delivered to the faid T. and then and there afterwards and immediatly cancelled without this that the afore-Gid T. for his Discharge , &c. and in part , &c. thirty shillings or any peny thereof Expended or lavd out as, &c.

Fudement by default after iffue tendred.

N D the faid T: as before faith, that he for his Discharge: and in part, &c. was compelled and forced to Expend and lay out thirty fhillings as he above hath alleadged, and this he prayeth may be inquired of by the Country, whereupon the aforefaid ?, H: to answer to the Plea of the faid Plaintiff last pleaded, solemnly required, came not but made Default by which the same T. remaineth against the said I: thereof undefended , therefore it is considered of , that the said Plaintiff, &c. H. 3. 7ac, Rot. 701.

Debt upon retainder for Shooing of Horfes .

TTHEREUPON &c: he faith, that whereas the aforesaid Defendant (Such a Day and year) at B: had recained the faid Plaintiff to fet on upon the Horle Feet of the aforefaid Defendant forty new thoses, and to remove forry horse shooes, and to mend one pair of blow Irons, and to make one fire pan to take of the faid Defendant for fetting on of the aforefaid forty Horfe shoos one and twenty shillings and so of the other parcell to contract, to be paid to the faid Plaintiff when he should be thereunto required by virtue of which Retainer the faid Plaintiff, the faid forty new Horse shooes, upon the Horse Peer, did fet on &: By which Action accrued, &c. H: 37: Eliz: Rot: 4171

Debt for felons Goods exanted to the Plaintiff by Letters Pa-Bents .

A ND Wherenpon the fame Plaintiff by A: B: his Attorny, faith, that whereas the aforefaid Defendant (such a Day and year) at E: by his certain Waiting obligatory, had granted himself to be bound to one of He in the aforefaid twenty pounds to be paid to the fame He when he should be chereunto required which faid twenty nounds the aforefaid Defendant to the faid A. H. hath not paid, and the aforefaid twenty pounds being fo unpaid, the faid A. H. (Such Day and year) before A. R. then one of the Coroners of the faid Keepers, expin the aforefaid County of W. upon view of the Body of the aforefaid E. L. there lying dead upon the Land, by the Oath of honest and lawfull men of the same County: it was presented that the aforefaid A. H. not having God before his Eys, but feduced by a Dewilish Instigation, the aforesaid (such a day and year) the aforesaid E. Lat W. in the County aforefaid did kill, against the publick peace. and immediatly after that killing, did for the Felony aforefaid, withdraw himfelf and run away, as by the fame inquifition before the aforefaid Coroner remaining of Record more fully appeareth, by reason of which faid Felony, and by Force of the aforefaid Inquifition, before the aforesaid Coroner in Form aforesaid taken the said A. H. forseired to the faid Keepers, the aforefaid Writing obligatory, and the faid ewenty pounds in the same Writing contained, and the aforesaid tweney sounds, lo as aforefaid forfeited to the faid Keepers . de . (Such a Day and year) at W. in the County of M. by their Letters Patents. which the faid Plaintiff under their Seal fealed herein Court, produreth, the Date whereof is at W. aforefaid, the same Day and year, did give and grant to the faid Plaintiff, all and fingular the Goods, and Chattalls, Debts, and Specialties of the aforefaid . H. fo to the faid Keepers, &c. forfeited, as by the fame Letters Patents more fully appeareth, by which Action accrued to the faid Plaintiff, to require and have of the faid Defendant, the faid twenty pounds, &c. T. 33. Eliz. Rot. 2219.

Thompson to answer 7. Newsome, of fifty one thillings and eight Debt upon a pence, &c. And whereupon, &c: that whereas he at the Court of recovery in the the County of Torke, held at the Castle of T. on M. the twenty ninth Day of N. (in such a year) before W. VV. Knight then Sheriff of the County aforesaid, by T. his Attorny, did affirm a certain Plaint against the aforesaid Defendant of a Plea of Trespasse upon the Case. and then and there found pledges of profecuting his plaint (that is to The levying of (ay) 1. D. and R. R. and prayed processe for himself thereof to be the Plaint bemade against the faid Defendant of the Plea aforefaid, whereupon it fore the Sheriff was commanded to one VV. S. then one of the Bailiffs of the faid She-only. riff and Minister of the Court of the County aforesaid, that he should put by Sureties and fafe Pledges, the aforefaid Defendant, that he The Precept to might be at the next Court of the County aforefaid at the Castle of the Bastiff. Torke before the aforesaid Sheri ff (fuch a Day) then next following to be held to answer the aforesaid Plaintiff of the aforesaid Plea, the same Day was given to the aforefaid ?. N. there, &c. whereuponthe aforefaid

Day was given torny for the Plaintiff. Return of the Precept.

Declaration in the County Court.

Further Imparlance.

He did not af-Sume.

Precept to Jummon the fury.

faid Plaintiff putterh in his place the wforefaid T. against the aforefaid Poll: of the aforefaid Pleas (po: at which faid Courtil fuch aiDay) before the aforetaid VV. VV. then Sheriff of the County aforefaid wat warrant of At- the aforefaid Caftle of Tholden; came as well the aforefaid Plaintiff by his Actorny aforefaid, as the faid f. T. by D. B. his Accorny, And the aforetaid Bailiff did tellify chat the aforefaid? T. was attached by pledges 17 D and R.R. whereupon the aforefald I. M. then and there declaring against him the faid L. T. in the plaint aforefaid faid that whereas, Go. (declared upon a promile) and thereof he brought the Suit, &c. and the aforefaid Defendant by the aforefaid B. his Attorny then and there defended the Porce and Injury, when, Ste. And prayed licente of imparling thereunto untill the next Court of the County aforefaid (that is to fay) (fuch a day) then next following before the afore (aid Sheriff, at the aforefaid Caftle of T. to be held, to answer the aforesaid I. N. of the Plea aforesaid, &c. And he had &c. The same Day was given to the aforesaid ?. N. there, &c. And hereupon the aforefaid 7. T. potteth in his place B. against the faid Plaintiff of the Plea aforefaid, &cc. At which faid Court the fame (fuch a Day) before the aforefaid w. w. then Sheriff of the County aforefaid, there came as well the aforefaid I. N. as the aforefaid I. T. by their Attorneys aforesaid, and hereupon the said 7. T. further prayeth license to imparte untill the next Court of the County aforesaid (that is to fay) (Such a Day) then next following before the faid Sheriff at the aforefaid Castle of T. to be held, to answer the faid I. N. of the Plea aforefaid, and he had, &cc. The same Day was given to the aforefaid I. N. there, &c: At which faid Court the fame (Such a Day) before the faid W: VV: then Sheriff of the County aforelaid held, came as well the aforesaid I. N. as the aforesaid I: T: by their Attorneys aforefaid , And the fame 7: T: defended the Force and Injury when . &cc. And pleaded that he did not affume, &cc. And of that he put himfelf upon the Country, and the faid I: 2V: likewife : Therefore it was commanded to A: B: one of the Bailiffs of him the faid Sheriff. and Minister of the same Court, that he should cause to come before the faid Sheriffat the aforefaid Caftle of Y: at the hext Court (that is co (ay) (Such a Day) then next following there to be holder, twelve. &c: by whom, &c: And who neither , &c: to recognize, &c: Becaufe as well &c. At which faid Court the fame (Such a Day) before the aforefaid VV. W. then Sheriff of the County aforefaid there holden. the Jury between the parties aforefaid of the aforefaid Plea, was put Respired untill thereof between them in Respire of the aforelayd Castle of T: until she next Court; the next Court (that is to lay) (Such a Day) then next following, before the aforefaid Sheriff there to be holden: At which faid Court, the same (Such a Day) before the aforesaid W: then Sheriff of the County aforefaid held; came as well the aforefaid J: Ny as the aforefaid I. T. by their Attorneys aforefaid, and the Jurors of that Jury thereof

thereof impannelled, exacted, likewise came, which to say the Truth of the Premiffes sleeted, tryed, and fworn; did fay upon their Oath. that the aforelaid I.T. did affume upon himself, and to the same I. M. Verditt for faithfully promife, that he the fame I. T. should pay to the fame I. M. the Plaintiff. the fame ewenty hillings when he should be thereunto required in manner and form as the faid I. N. above did complain against him and they afferfed the Damages of him the fayd I. N. by that occasion. befides his Cofts and Charges by him about his fuit in that behalf faid Judement for our to thirty shillings, and for those Costs and Charges to three this the Plaintiff. lings and four pence, by which then and there it was confidered by the fame Court that the same I. N. should recover against the faid I.T. his Damages aforefaid to twenty four hillings and four pence. by the Jury aforefaid in form afore aid affeffed, and allo eighteen this lines and four pence to the same I. N. for his Costs and Charges aforefaid at his Request by the faid Sheriff of increase adjudged, which favd Damages in the whole do amount to fifty one thillings and four pence, by which Action accrued to the faid Plaintiff, to have and receive, &c. H. 19. Eliz. Rat. 905, See Trin. 27. Eliz Rot. 419. Deht upon a Judgment in the upper Bench; the Defendant pleaded he owed nothing, by his Country, The like, Hill: 26: Eliza: Rot: be done , Level given and ground ve the hid Philipper when the Acoust a obsorty shallnes, to have and receive vorther with

and he validies

TPO Nan action of Debt brought by an Executor, upon an Ob- concord plealigation made to the Testator, the Defendant prayeth hearing ded in Bar. of the Bond, and fayth, That the Plaintiff ought not to have his before the Action against him; because he sayth, That after the death of the day of pay-Testator, and before the aforesaid Feast of A. in the Indorsment ing the condiaforefavd above foecifyed (that is to fay) Such a day and yeare tion of the at S. It was agreed between him the faid w. Plaintiff, and him the Bond. favd H. Defendant, that he the same H. should pay to the sayd W. Li thirty shillings, of lawfull Money of England, in satisfaction of the aforesaid ten pounds in the Indorsment aforesaid above specifyed, as of all other Debts, Trespasses, &c, which the aforesayd VV. shen might require, or claim against him the fayd H. as Executor of the Testament and last Will of the sayd I. S. whereupon the same I. H. afterwards, and before the aforelaid Feaft of A. in the Indorfment above specifyed (that is to fay) Such a day and yeare at S. to the aforesaid w: the aforesaid thirty shillings of lawfull Mony of England, in Satisfaction as well of the aforefaid ten pounds in the Indorfment aforefaid above specified as of all other Debts were according to the form and Effect of that Agreement, did fatisfy and bay! And the favd Weehen and there did accept and receive the faid thirty thillings of him the faid H: in full fatisfaction as well, &c. as, &c. And this, con judgment if Action, coch to still the state of soid Defendance (tash a lay and peace) as unrighte Communities

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HE Plaintiff replyeth and fayth (By protestation no fuch concord) for Ples fayth, That the aforefaid H, hath not payd to the (aid Plaintiff upon the faid (fuch a day and yeare) the fayd thirty shillings in satisfaction, as well, &c. as &cc. as the sayd, &c., And this he prayeth, &c. H. 25. Eliza Rot. 952.

For Rent bebinde upon an ed for Councel.

S. oc. to answer H. A. E/q; of a Plea that he render unto him I. eleven pounds which are behinde to him of a yearly Rent of for-Annuity grant- ey thillings, which to him they owe, Go. And whereupon, Go, he fauth. That whereas the fayd Defendant (fuch a day and yeare) at T. by their certain Writing, which the fame Plaintiff with the Seales of the afore [aid Defendants figned here in Court produceth, the Date whereof is the same day and yeare, for and in consideration of the Conncell of him the faid Plaintiff before had, and to them given, and from thence to be had and given, to them and either of them, upon reasonable request, by them the aforesaid Defendants, or either of them, at all times, and from time to time, during the natural life of him the faid Plaintiff, and of the faid Defendants, and either of them, in their or either of their bufineffes, as caufe fhould require to be done, have given and granted to the faid Plaintiff, the aforefayd Annuity of forty shillings, to have and receive to the faid Plaintiff and his Affignes, for and during the natural life of him the faid Plains tiff, if the aforelaid Defendants or either of them, should so long live, to be payd to the faid Plaintiff, at the then dwelling house of the aforefaid Plaintiff in L. in the County aforefaid, upon the Feafts, &c. by equall portions, as by the fame Writing more fally appeareth: The aforesaid Defendants have withdrawn from the said Plaintiff, the aforefaid yearly Rent for five yeares and a halfe of one yeare, which ended at the Feast of Saint 1, the B. next before the day of the issuing forth of the original Writ of him the said Plaintiff (that isto (ay) Such a day and yeare, and have denyed to render to him the same , and yet do deny, whereupon, &c.

The Defendant asked conncell of the Plaintiff and be refused to gove it.

And the faid Defendants cometh, &c. when, and fay, That the faid Plaintiff ought not to have or maintain his Action, &c. Because they fay. That the annuall Rent aforefaid, was granted to the aforesaid Plaintiff, for his good Councell to them the sayd Defendants bestowed, and afterwards to be bestowed, as the aforesaid Plaintiff hath above alleadged: And the faid Defendants further lay, That at the time of the grant of the annual Rent aforelaid, the aforelaid Plaintiff was a man learned in the common Law of this Nation: And that the faid Defendants, for the Councell of the fayd Plaintiff in that Law before bestowed, and from thence afterwards to be beflowed, made that Writing to the layd Plaintiff, and that the aforesaid Defendants (such a day and yeare) at W. in the County afore-

faid.

faide did request the afore faid Plaintiff to give, to the faid Defendants his Conncell in the Law for Defence of a certain Action of Eiellment of Farm, against them the faid Defendants at the Suit of one B. W. in the Court of the faid Keepers, at the Pleas before them the faid Keepers at Westminster, in the County of Middlefex, then profecuted. which to do, the aforefaid Plaintiff of the Councell of them the faid Defendants wholly refused, and this, &cc, if Action, &cc.

UGHT not to be procluded; because he faith, that the faid De- Rejonder. fendants did not request him the faid Plaintiff to give to them the faid Defendants, his Councell in Law for Defence of the aforefaid Action of Ejectment of Farm, as the faid Defendants have above alleadged, and this he prayeth, &c. twelve &c.

A. was attached by a writ of the Keepers, &c. of priviledge iffu- upon an Acing here out of Court to answer W. S, one of the Accorneys, &c: count taken Administrator of the Goods and Chattalls of I.S. who dyed according tors. to the liberty, &cc. of a Blea of Debt, &c. And whereupon, &c. he faith, that the afore aid 7. A. hath not rendred to the fame Plaintiff fifty three shillings, which from him he unjustly detaineth, for that (that is to fay) that whereas the aforesaid Defendant (Such a Day and year) at . &c. before S. S. and T. M. Auditors, affigned to hear the Account of the faid Defendant by him the faid W. after the Death of the faid I. S. had accounted of divers Sums of Mony of the aforefaid I. S. to him the faid I, S. in his life by the faid Defendant due, to render an account thereof to the faid I. S. when he should be thereunto required, and upon that Account, the faid Defendant was found in Arrerages towards the same I. S. in fifty three shillings, by which A-Ction accrued to the faid Plaintiff, to require and have of the faid 1. 4. the faid fifty three thillings, yet the faid I. A. although often required the aforefaid fifty three shillings to the same W. to whom Admininistration, &c. was committed, hath not rendred, but hath hitherto denved to render unto him the same, and unjustly detaineth, whereupon he faith that he is, &c. And thereof he bringeth the Suit, &c. And he produceth here in Court the Letters of Administration, &c. by which, &c. to be Administrator of, &c. And to have Administration, ... of the fame best ages with the appartentness where of south ? Sale : Sew that led slight transle is benefit to be larger to the larger to And

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of the near himself agonete town Property and the Planeit in Like

A B. Widow, which was the wife of 7. B. the elder, by R. G. her Regis, Rot. Attorney, demands against S. B. W. B. I. B. E. B. D. B. and 3286. R. B. the moity of five Melluages, foure Barns, foure Gardens, three An action of Orchards thirty Acres of Land, twenty five Acres of Meadow, fifty Dower brought five Acres of Pasture, and five Acres of Wood, with the appurtenan for Gavellind 30%

ry of the fayd I. B. the elder, formerly her Husband, because the Teanements aforested with the appurtenances are of the tenure and nature of Gavillind, and according to the Custome, time out of mind, in the County aforesaid. Women who are Dowable of Tenements in Gavillinde, after the death of their Husbands, ought to be endowed of the moity of the same Tenements, & ...

Two of the Tenants come by their Attorney, the rest by their Guardians, and confesse the Assion.

A ND the aforefaid S. and W. by I. Knightsbridge their Attorney, and the aforefaid I, the now Tenant, and I, by the aforefayd P. R. their Guardian, as alfo the aforefaid D. and R. by M. Thehen Guardian, come and fay, That they cannor deny the Action aforesaid, of the aforesaid . nor but that the ought to have her Dowry of the Tenements aforefayd with the appurtenances, whereof, de of the Endowment of the aforelaid I. B. the elder, once her Husband. &c. as the hath above demanded . Therefore it is confidered that the aforefaid et. Thaffrecover her feifin against the aforefaid 9. W. I. B now Tenant, E. D. and R. of the moity of the Tenements aforefald with the appurtenances; to hold to her in Severalry by metes and bounds: And they the fayd S. and W. to be in mercy . and nothing of the being in mercy of them the layd I. B. now the Tenant, E. D. and R. because they are within age, &c. And upon this the aforefait A. faves, That the aforefaid 1. B. the elder, once her Husband, &c. dyed lerzed of the Tenements aforefaid with the appurcenances, whereof, &c. in his Demelne as of Fee, and prays a Writ of our Lord the King, as well to give her full feizin of the moity aforefaid with the appurtenances, as of inquiring of the Damages, oc. and it is gramed unto her, returnable here in three weeks after Saint of school of sure of the strong of the stron

Averment that the Husband dyed seized.

Prayer of seifin, and a write of Inquiry.

The Tenant pleads the Husband was never seized of Estate, whereby he might endow.

A ND the aforelaid Defendant by A. B. his Attorney, comes and the Atyes, That the aforelaid A. ought not to have her Dowry of the downs Messuage aforelaid with the appurtenances, whereof, &c. of the Englet of where downent of the aforelaid D. once her Husband, &c. neither at the day where in he marryed the aforelaid A. nor at any time after, was seized of the same Messuage with the appurtenances, whereof, &c. of such an Estate; so that the aforelaid A. thereof might be Endowed: And of this he puts himselse upon the Countrey, and the Plaintiss in like manner: Therefore command is given to the Sherist that he cause to come here twelve, &c.

Hill. 20 Jac. Rot. 2348.

A ND the aforesaid R, by W, B. his Guardian, comes and sayes,

That he from the time of the death of the aforesaid W. once the
Husband of the aforesayd As eyer litherto buch been ready, and as

specificandy to render the aforefaid of her Dowry aforefaid; and the fame to her the fayd A. here in Conde rendirethe Bree Therefore it is confidered that the aforefaid A. recover her feizin against the aforefaid R. of the third part of the Tenements aforelaid with the appurtenances; to hold to her in Severalty by meres and bounds; and nothing of mercy of the aforesaid R, because he is within age, and came the first day by lummons, &c. And upon this the aforesaid ... praves a Weit of our Lord the King, to give her full feizin of the third part aforefaid with the appurtenances, to the Sheriff of the Conney aforelayd to be directed, and it is granted unto her, teturnable here (fuch a day) &c. - nom W son ode to bat see e W. L. H. as also the third part of the advewload the Linux of W.

B. and N. his Wife by A.D. wheir Attorney demand against R. Hilly to late M. the third part of one Messuage, one Garden, and one Or- Rot. 664. chard with the appurtenances, &c. as the Dowry of her the favd 2V. by the Endowment of R. F: in time paft her Husband, &c. si sit ya beamota ion a sh feel seed year

A ND The aforefald R. M. by T. O. his Arrorney comes and fayes, A Plea in barr A That the aforelaid N. ought not in this behalfe to have Dowry, of Dower, that because he faith. That at the time of the death of the aforesaid R. in within age at time paft the Husband of her the layd N. of whole Endowment, &c. the death of The was not of that full age that the could deferve Dowry, that is to the Husband, fay, of nine years and a halfe! And this he is ready to aver, whereupon he prays Judgment, whether the sforefaid A. ought to have her dowry of the Tenements aforesaid, &c. And each this the aforefa

AND the aforesaid T, and N. say, That she the aforesaid N. was isue of full at the time of the death of him the sayd R. in time past her Hus-age. band, of whole Endowment, &c. of fuch age as that the might deferve Dowry, that is to fay, of niere years and a half and above, and this they pray may be inquired of by the Country, and the faid R. M. in like manner, Therefore command is given to the Sheriff that he cause to come twelve. &c. his Lecand Right, and prayes the Vent Of our fail work

N D the Defendant by 7. B his Attorny, comes and fayes, that The Tenant A he cannot remer the aforested M. her Dowry of the Mumor as pleads Nonforesaid with the Appurtenances, because that he is not thereof Te tenure. nant as of the Freehold, nor was the Day of the issuing forth of the originall Writ of her the faid A. nor at any time after, and this he is ready to aver, whereupon he prayes Judgment of the Writ aforefaid, Dewry aforefaid of the ablandors and I care &c.

A N D the aforesaid A. saith, that her Writ asoresaid, for the Real Isue upon the fon before alleadged ought not to be quashed; because she faitli, that the Day of the issuing forth of the said originals Writ of her the

faid A. (Such a Day and year) the aforefaid Defendant was Tenant of the Mannor aforefaid with the Appartenances as of his Free-hold as by the same Writ is supposed, and this he prayes may be inquired of by the Country, and the aforefaid Defendant in like manner, therefore command is given to the Sheriff, that he cause to come twelve, &c. Carlinhiwat of manad William one a c

Demand in Dower of Mannor, Tenements Warren, and Advomfon. Rot. 605.

the specimental difference of the co J. S. Widow, which was the Wife of T. S. Efg. by I M. her At-Torney, demands against & S. Knight, the third part of the Mannor and Park of W. with the Appurtenances, and of eighteen Meffuages, &c. And of the free Warren, with the Appurtenances of Trin. 7, Jac. W. L. H. as also the third part of the advowson of the Church of W. as her Dowry, of the Indowment of the aforefaid T. S. in times paft her Husband, &c. 10

The Defendant by bis Attorny pleads Non-Inform.

A ND the aforesaid E. by T. S. his Attorney comes, and the same Attorney fayes, That he is not informed by the faid E. his Cheat, of any answer for the aforefaid E. to the aforefaid P. S. in the Plaint aforesaid to be given, and nothing other he thereupon favth, by which the fame P. S. should remain against the aforesaid E. thereupon undefended : Therefore it is confidered that the aforesayd P. shall recover her Seizin against the aforesaid E. of the third part of the Mannor, Park, Tenements, Free-Warren and advowfon aforefaid with the Apportenances: And the aforefaid E. in mercy, de.

And upon this the aforesaid P. prayes the Writ of our Lord the King, to the Sheriff of the County aforefaid, to be directed, to cause her to have full possession of the third part aforesaid with the Appurtenances, and it is granted unto her, returnable here in eight dayes after Saint Michael, &c. And alfo the fame P. fayes, That the aforesaid T. in times past, her Husband, &c. dyed seized of the Mannor, Park, Tenements, and Free-Warren aforesaid with the Appurrenances in his Demeine as of Fee, and of the Advewion aforefaid as of his Fee and Right, and prayes the Writ of our faid Lord the King. to the Sheriff of the County aforefaid to be directed, to inquire of Damages for. And it is granted to her returnable here at the aforesaid Tearm, &c.

Llopement pleaded in bay of Dowry.

ND the aforesaid I. and J. by T: L. his Attorny, comes and sayes. that the aforefaid R. and A. ought not to have against them the Dowry aforesaid of the Mannors and Tenements aforesaid with the Appurtenances of the Endowment of the aforesaid E. in times past her husband &c. because they say, that the aforesaid A. in the life time of the favd E. in times paft her Husband &c. Of her own Accord at B, in the County of M. left him the faid E. in times past her Husband, and went from

from him with one M. R. unto the parish of Saint D. in the County of M.And after there with the fame M. did lead her continued life in Adultery the whol life of him the faid E.in times past her husband. &c. Without that, that the aforefaid A. to the faid E. her Husband. in the life time of the faid E. in time paft her Husband, &c. Was reconciled; and this they are ready to aver, whereupon they pray Tudgment whether the aforesaid R. and A in this behalf ought to have her Dowry of the Mannor and Tenements aforefaid with the Appurtenances of the Endowment of the aforefaid E. in time past her Husband, oc.

ND the aforesaid R, and A. say, that they by any thing before alleadged ought not to be debarred from having the Dowry of the aforefaid ; of the Mannor and Tenements aforefaid, against them the aforesaid ?. and. ?: because they say, that after the Departure aforefaid by the aforefaid I, and I, above supposed to be done, the aforesaid E, in his Life time, her the said A: of his own accord, and without Ecclefiasticall Compelling at L, did reconcile and suffered her to live with him, and this they are ready to aver, whereupon they pray Judgment, and the Dowry of her the fayd A: of the Mannor and Tenements aforesaid with the Appurtenances, together with their Damages, by Reason of the Detainer of the Dowry aforesaid, to be adjudged unto them, &c. And the aforesaid I. and I. say, that the aforesaid E. in his lifetime to the aforesaid A. did not reconcile in manner and form as the aforesaid R. and A, have above alleadged: And of this they put themselves upon the Country, and the aforesaid R. and A. in like manner: Therefore Command is given to the Sheriff, that he cause

M. S. Widdow, which was the Wife of I. T. by I. C. her Attor- A claime in ney, demands against I. L. the third part of the Mannor of F. Dowry, Trin. with the Appurtenances and of fix Messuages, fix Gardens, three hun- 8 Eliz. Rot, dred Acres of Land, &c. with the Appurtenances in L. and A. as her Dowry of the Endowment of the aforesaid I. T. sometimes her Husband, &c:

to come here (Such a Return) twelve, &c.

ND the aforesaid 1. L. by G. H. his Attorny, comes and sayes, An annuity A that the aforesaid M. ought not to have her Dowry of the Man- pleaded in bar nor, Tenements, and Rent aforefaid with the Appurtenances, whereof. of the Dowry. Oc. Because he faith, that after the Death of the aforesaid I. T. in times past her Husband, &c. and before the Day of the issuing forth of the Originall Writ of the aforefaid M. to wit (Such a Day , Year, and Place) one F. T. whilft fhe was fole, and then being the Daughter and sole Heir of the aforesaid 7. T: in like manner, being sole feized in her Demesne as of Fee, of the Lands and Tenements of him the faid ?. did give and grant unto the afore faid M: a certain annuall

Rent of twenty Marks iffuing out of the Tenements aforefaid with she Appurtenances, whereof , &c: and of other Lands and Tenements lately the fame 7. T: and then of the Inheritance of her the faid F: To have and receive to her the fayd M: and her Affignes for tearm of her life at the four Tearms of the year, that is to fay, At the Feaft of the Annunciation of the bleffed Virgin Mary, &c; by Equal portions yearly to be payd, in recompence of the whole Dowry of her the faid M: of the Mannor and Tenements aforesaid, and of, and in the aforefaid other late Lands and Tenements of the aforefaid I: T: which faid annual Rent in Form aforesaid, yearly of those Lands and Tenements to be received to her the faid M: by the aforefaid F: granted the fame M: in Satisfaction and Recompence of her Downy aforefaid of the aforefaid F: at L: aforefaid received and had, and the fame anniall Rent for divers years now Elapsed at L. aforesaid, the received and had according to the Grant and agreement aforesaid, and of the Rent aforesaid, the said M: is now seized in her Demesne as of Freehold, and this he is ready to aver, whereupon he prayes Indement whether the aforefaid M. ought to have against him other Dowry. of the Mannor. Tenements, and Rent aforefaid, with the Appurtenances, whereof, &c.

The Plaintiff replies that the Defendant die not give and grant, &c.

ND the aforesaid M. sayes. That she by any thing before alleadeed from having her Dowry aforelayd, ought not to be debarred. because by Protestation she saith, that the aforesaid F. the aforesaid (day and year, as in the Plea) was not fole feized of and in the Tenements aforesaid with the appurtenances, whereof, &c. in her demelne as of Fee: By protestation also she faith. That she the favd M. was not seized of the annuall rent aforesaid in her demesne as of Free-hold: For Plea the same M. sayes, that the aforesaid F. did not give and grant unto her the faid M. the aforefaid annuall Rent of twenty Marks issuing out of the Tenements aforefayd with the appurtenances, as the aforesaid I. L: hath above alleadged: And this he prayes may be inquired of by the Countrey, and the aforefaid I. L. in like manner: Therefore command is given to the Sheriff. That he cause to come here twelve, &c.

Fudgement prayed upon the Writ, bemarryed after the last continuance. Tring 873.

A ND the aforesaid R. L. by R. S: his Attorney comes and faves. That the aforesaid A: after the last continuance of the Plea aforefaid, that is to fay, after fifteen dayes of Easter last past, from which cause the Wife day the Plaint aforesaid was last continued unto this day, to wit, the morrow after the holy Trinity, that is to lay, the thirtieth day of May last past at W: in the County of Suff: tooke to Husband one T: & Eliz. Rot. B: And this he is ready to aver, whereupon he prays Judgment of the Writ, &c:

AND the aforefaid & : fayes, That her Writ aforefaid by the A reason before alleadged, ought not to be quashed, because shee faith, that she did not take to Husband the alorefaid T: B: as the aforefaid H: hath above alleadged : And this he prays may be inquired of by the Countrey : And the aforefaid H : in like manner : Therefore command is given to the Sheriff, that he cause to come here. twelve, &cc

Widdow which was the Wife of W: C: by VV: W: her Demand in Attorney, demands against J. Clark, the third part of three Messua- Bill. 9. Eliz. ges, thirty four Acres of Meadow, and two Acres of Wood with the Rot. 434. Appurtenances, in Finchley, as the Dowry of her the faid Jane of the Endowment of the aforefaid, W : B : in time past, her Husband,

A N D the aforesaid I: by C : Bernardhis Attorny, comes and calls A Counter A thereupon to Warranty R: G: Gentleman fummoned in the Plea of the Voucher in County aforefaid by the Aids of the Court, &c:

ND the aforesaid fane sayes, that neither the aforesaid Robert A whom, &c: nor any of his Ancestors had any thing in the Tenements aforefaid with the Appurtenances whereof, &c : in his Demeine, Reversion, or in Service, from the time of the Death of the aforefaid W : C: in time paft her Husband, &c : unto the Day of the issuing forth of the original Writ of her the faid I: to wit (such a day and year) lo that he could thereof infeoff the aforefaid John or any of his Ancestors, and this he prayes may be inquired of by the Country, and the aforefaid John in like manner: Therefore Command is given to the Sheriff, that he cause to come here twelve, &c:

T W. lately of G. in the County aforefaid Yeoman, was Summoned An Action of Joto answer A. H. Of a Plea that he render him Chattels, to the va- Detinue for lue of five Pounds, which he unjuftly detaines from him, &c. And of Goods. whereupon the faid A. by H. L. his Attorney fayes, That he (luch a day, yeare, and place) delivered to the aforesaid, J. Chattels. that is to fay, two peices of Gold, one gold Ring with a Ruby, and one other gold Ring, one Har, and one Handkercher, to the value, Or. To be fafe kept, and to him the faid Alexander, when he fhould be thereunto required to be redelivered; yet the aforesaid 1. although often required the Chattels aforesaid to him the said of he hath not as yet redelivered, but the fame to him hitherto to redeliver hath denyed, and as yet doth deny and unjustly detain, whereupon he fayes. That he is damnifyed, and hath Damage to the value office Pounds, and thereupon he brings his Action.

ND the aforesaid 7, by R. P. his Attorney, comer and defende The force and injury, when or. And as to the Harand Handkerther aforesaid, of the Chattels aforesaid, the said I. sayth, That he cannot denvithe aforelaid Action thereupon, of the aforelaid A. nor but that be denyeth from the laid A. the fame Hat and Handkerther, in the form wherein the faid A hath above against him declared : Therefore it is confidered that the aforefaid A. hall recover against the said 7. the said Hatt and Handkercher aforesaid, or the value of them: And the aforesaid 7. to be there in mercy: And as to the relidue of the aforefaid Chattels, the aforefaid I. fayth, That he detaineth not from the aforefaid A. the residue of the aforefave Chattels, nor any parcell thereof, in form wherein the same A, above against him declareth : And of this he puts himselfe upon the Country, and the aforelayd A. in like manner: Therefore Command is given to the Sheriff, that he cause to come here after Saint Martins day. fifteen dayes, twelve, &c. By whom, &c. And who neither &c. To recognize, &c. Because as well, &c. And because it is convenient that there be but one Tax of damages, for one Busice detainer of the Chattels aforesaid, if it should happen that the iffue aforesaid, between the parties aforesaid above joined, to be tryed for the faid Alexander, and Judgment thereupon to be rendred for him . Therefore the same taxing of costs is to cease, untill the iffue aforesaid, between the parties aforesaid above joined, shall be determined, &c. At which day here came the parties, &c. And the Sheriff fent not the Writ, &c. Therefore as Formerly, Command is given to the Sheriff, that he cause to come here in eight dayes after Saint Hillary, twelve. &c. To recognize in forme aforesaid, &c. At which time came the parties, &c. And the Sheriff fent not the Writ, &c. Therefore as further Command is given to the Sheriff that he cause to come here after Easter fifreen dayes, twelve, &c. to recognize in form aforefaid, Bec.

At which day came here the parties, &c. And the Sheiff sent not the Writ, &c. Therefore as surther, command is given to the Sheriff, that he cause to come here on the morrow after the holy Trinity, twelve. &c. To recognize in sorme aforesaid, &c. At which day came here the parties, &c. And the Sheriff sent not the Writ, &c. Therefore as surther, Command is given to the Sheriff, that he cause to come here in eight dayes after Saint Michaell, twelve, &c. to recognize in form a sortesaid, &c.

d Judgement begins Detiune for Corne,

A T which day the Jury between the parties aforesaid, of the and foresaid Plea, was put in respite thereupon between them here, even unto this day, to witt, unto sifteen dayes after Saint Michael thes near following sunlesse the Justices of our Lord the King, at the

Affizer

Affizes in the County afore faid, Affigued to be held by the Form of the Statute, &c. (Such a Day next to come) at H. in the County aforefaid, thould first come, And now here at this Day came the aforefaid I. P. by his Arcorny aforefaid, and the aforefaid Justices of the Affizes before whom & : Have fent here their Record in thefe words, Afterwards, &c. Therefore it is confidered, that the aforefaid 1. P. recover against the said R, his Corn aforesaid, or the aforesaid four pounds for the value of it, and his Damages aforefaid unto twenty shillings by the Jury aforefaid in Form aforefaid affelled, as also fixthillings and eight pence to him the faid I. P. for his Cofts and Charges aforefaid, at his Request by the Court here by way of Increase adindged, which faid Damages in the whole amount unto twenty fix Thillings and eight pence, and the aforelaid R, in Mercy, de.

G. was fummoned to answer I. P. of a plea, that he render bim a An" Action of Minuments contained in the said Cheft, which he detaines from him tings. unjustly, and thereupon the same Plaintiff, by C. his Attorny sayes, Mich. 8. and that whereas he was larely possessed of the aforesaid Chest locked. 9. of Q. Eliz. with Charters, Writings, and other Minuments in the faid Cheft conthined as of his proper Goods, and the aforelaid Plaintiff of the aforefaid Cheft locked, and with, &c. contained, so being thereof possesfed (Such'a Day and year) at (aforelaid did deliver the fayd Cheft locked, with Charters, &c. to the aforefaid Defendant to be lafe kept and to be redelivered to him the faid Plaintiff, when he should be thereunto required, vet the aforesaid Defendant although often required the aforesaid Cheft locked, with Charters, &c. in it contained, to him the faid Plaintiff harh not as yet redelivered, but the same to him hitherto to redeliver, bath denyed, and as yet doth deny and unjustly detain. whereupon he faith, that he is Damnified and hath Damage to the value of one hundred pounds, and thereupon he brings his . Action, &c.

A. ND the aforesaid Defendantiby I. L. his Attorny comes and de- The Denfendant fends the Force and Injury when &cc. And taith, hat the aforefaid pleads the de-Plaintiff ought not to have his Action aforefaid against him, because he and another faith that the aforefaid Cheft the Day and year aforefaid at C. afore- upon a condifaid, was delivered to him the faid Defendant by the aforefaid Plaintiff tion. & one S, to be lafely kept, under the Condition following, that is to fav. That the Charters, Writings, and Minuments in the layd Cheft contained; might be fearched by the aforefaid T, and S, and their learned Councell, and that the Charters, Writings, and Minuments that should be found to corcern the Lands and Tenements of the aforelaid Plaintiff (hould be then delivered to him the faid Plaintiff, and in like manner, that then the Charters, Writings, and Miduments,

therein touching the Lands and Tenements of the aforestid S. Monda their the faid Plaintiffs and S. be fullfilled or no, the layd Defendant flyes that he is ignorant, and prayes that the faid S. may be thereupon warned, &c.

The Plaintiff maintaines bis Declaration the Condition.

N Defie aforefaid Plaintiff fayes, that he by any thing before alleadged, ought not to be debarred from having his Action aforefaid because as formerly be layes that he the Day and year aforeand traverfeth faid at C. aforefaid did deliver the aforefaid Cheft and (as above in the Declaration without that that the aforefaid Cheft with Charters &c. (as above in the Plex) was delivered to the aforelaid Defendant, and the aforefaid S. by him the faid plaintiff to be fafe kept, under the condition, that the Charters, &c. might be ferched, by the aforelaid T. and S. (as in the Plea above) as the aforefaid Defendant bath above alleadged. And this he is ready to aver, whereupon he prayes Judgment, and the Delivery of the Cheft aforefaid, with the Charters, &c. and his Damages by Reafon of the Detainer of the fame Cheff with Charters, &c. to be adjudged unto him, &c.

Iffue upou the Traver e.

N D the aforesaid Defendant as formerly sayes, that the aforelaid Cheft with Charters, &c. (and so maintain the Plea) as he above hath alleadged, and of this he puts himfelf upon the Country, and the aforefaid Plaintiff in like manner, therefore command is given to the Sheriff, that he cause to come here twelve &c.

Eiechment.

A Declaration in Ejectment fur demife. Hill, 20, laco Bot. 744.

VFF. R. G. lately of H. in the County aforefaid Yeeman was attached to answer R. P. of a Plea, wherefore by force and Armes, two Melfinages, one Garden, eight Acres of Land two Acres of Meadow, and three Acres of pasture, with the Apportenances in H. which R. C. to the aforefaid R. P. did, demile for a Tearm which is nor as yet paft, did enter, and him the faid R. P. from his Firm aforefaid, did eject, and other harmes to him he did to the great Damage of him the faid R. P. and against the Peace of our faid Lord the King, that now is, &cc. And wherenpon the faid R. P. by I, H. his Attorny, complains; that whereas the aforefaid R. C. (Such a Day, year, and place) did demife to him the faid R. P.

the Tenements aforefaid with the appurtenances, to have and to occupy to him said his Aflignes from (fuch a Day then laft paft) unto the End and Tearm of one whole year thence next following, and fully to be complear and Ended, by virtue of which Demile, the afores faid R. P. into the Tenements aforeraid with the Appurtenances, did Emer, and was thereof pofferfied, and he the faid R. P. fo being thereof polleffed, the aforefait R. G. afterwards, to wit (Such a Day and year) aforefaid, by Force and Armes, &c. The Tenements aforefaid with the appurtenances, which the aforefaid R. C. to him the faid R. P. in Form aforefaid demifed for the Tearm aforefaid, which is not yet out. did Enter, and him from his Farm aforefaid did call out, and other harms, Go to the great Damage Go. And against the peace, &c. Whereupon he saith, that he is damnified, and hath Damage to the Value of twenty pounds: And thereupon he brings his Action &c.

A N Dehe aforesaid R. by R. L. his Attorny comes and defends the The Defendant force and injury when, &cc. and as to the whole Trespasse and as to part electment aforesaid above supposed to be done, besides the trespass and pleades not ejectment in three Acres of Land of the Tenements aforelaid with the thereft a judg-Appurcenances, he the faid R. fayes, that he is in no wife thereof guil- ment. ty, as the aforefaid A. P. above against him declareth; and of this he puts himself upon the Country, and the aforesaid R. P. thereupon in like manner, and as to the Trespass and Ejectment aforesaid in the aforefaid three Acres of Land of the Tenements aforefaid with the appurrenances above supposed to be made, the faid Accorny of the aforefaid R. layes, that he is not informed by the aforefaid R. his, Clyent of any answer for him the faid R. to the laid R. P. in the complaint aforefaid therein to be given, and nothing other, he thereupon faves by which he the faid R. P. Grould remain against him the faid R. G. thereupon undefended, for which he the faid R. P. his aforefaid Term, of, and in the aforefaid three Acres of Land with the appurtenances and his Damages; by reason of the Tretpasse and Ejectment aforesaid in the same three acres of Land, ought not to recover, but because it is convenient and necessary, that there be made one only can of the Damages for the whole Trespass and Ejectment aforesaid, if it shall happen that upon the determining of the iffire afore aid, Indement hall be rendred for the aforefaid R. P. therefore the Writ for giving of polfestion in that behalf is to cease, and of inquiring of Damages by reason of the Trespass and Ejectment aforetaid, in the same three Acres of land with the appurtenances, for that Damages by reason of that Trespais, and Ejectment by the Jury upon the Triall of the iffue aforefaid above joyned, ought to be affeffed, and as to the trying of that iffue, command is given to the Sheritf, that he cause to come here in eight days after the Parification of the bleffed Virgin Mary, welle, &c. By whom, &c. and who neither, &c. To recognize, De. Becau'e as well, ec. R 2

d Declaration in Electment noon Indenture, Trin. 4. Eliz, Rot. 945. A ed to answer Christopher Vavasour Gentleman, wherefore by force of Armes, one Melsuage, one Garden, one Orchard, one hundred acres of Land, &c. in S. which the same C. holdeth for the Term which is not yet past, of the Demise of A. T. Administrator of the Goods and Chattels which were of A. C. the Elder, who dyed Intestate, &c. Which said A. C. the same held for the same Term of the Demise of R. H. (to whom the said R. H.) T. the sate Abbot of the late Monastery of Saint Saviours of Berdmonsay now dissolved, demised the same for that same Term, did enter, and him the said C. stom his Farm aforesaid did Eject: And other harmes, &c. To the great Damage, &c. And against the peace,

And whereupon the same C. by T. Y. his Attorney, complaines, That whereas the aforesaid Abbot, was Seized of the Tenements aforelayd with the appurtenances, in his Demeine as of Fee, in right of his late Monastery aforefayd, and so being thereof Seized, he the faid late Abbot with the confent of the Covent of the faid late Monastery (fuch a day, yeare, and place) by his certain Deed indented , between him the faid late Abbot, of the late Monastery aforesaid, and the then Covent of the same late Monastery on the one part, and the aforefaid R. H. on the other part made, which other part, with the common Seale of them the faid Abbot and Covent figned, he the faid C. here in Court produces, whose Date is the same day and year, did Demile, grant, and to Farm-let, unto the aforefaid R. H. the tenements aforelaid with the appurtenances, by the name of that their whole Tenement or Graunge, lying and being neer the aforefaid Monastery, with all Lands, Meadows, and Pastures; to the same Tenement or Graunge belonging, to have or to hold to the aforefaid R. H. his Executors and Affignes, from the Feast of the Annunciation, &c, then last past, to the end of the Term of fixty years from thence next following, to be fully compleat: By virtue of which faid Demife he the faid R, H, into the tenements aforefaid with the appurtenances did enter, and was thereof possessed : And fo being thereof Possessed, bothe said R. H. afterwards, to wit (such a day, year, and place) granted all his state, interest, and tearm of years, which he then had to come, of and in the tenements aforefaid with the appurtenances, to the faid A. C. by virtue of which faid Grant, he the faid A. C. in the same tenements with the appurtenances did enter, and was therof Possessed, and so being therof Possessed, he the faid A. C. after and before the day of the isluing forth of the original Writ of him the faid C: at B: aforefaid, died intelfate, after whose Death, the administration of all the Goods and chartells which were the aforelaid A: C: at the sime of his Death,

by Matthew Arch-Bishop of Canterbury, Primate and Metroplitan of all England at L. (fuch a day and year) to the aforefaid A. T. were committed by which he the layd . T. after and before the day of the isluing forth of the original Writ aforelaid, into the tenements aforefaid did enter, and was thereof poffeffed, and fo being thereof possessed, he the said A. T. after and before the day of the iffuing forth of the originall Writ aforefaid, to witt (fuch a day, year, and place) did grant all his state, interest, and Tearm of years. which he then had to come, of and in the tenements aforefavd with the appurtenances; to him the faid C. R. By virtue of which fayd Grant, he the fayd C. after and before the day of the iffuing forth of the originall Writ aforesaid, into the tenements aforesaid with the appurtenances did enter, and was thereof possessed untill the atoresaid A. afterwards, to witt (fuch a day and year aforesaid) by force and armes into the tenements aforefaid with the appurtenances, which he the faid C. in form aforefaid held for the tearm aforesaid, which is not yet past, did enter, and him the faid C. from his Farm aforesayd did eject, and other harmes, de. To the great Damage, &c. And against the peace, &c. Whereupon he sayth, That he is damnifyed and hath Damage to the value of two hundred Pounds. and thereu pon he brings his Action, &c.

ND the aforefaid A. by R. F. his Attorney, comes and defends The Defenthe Force and Injury when, &c. And faves. That he did not eject dant pleads, be the aforesaid C. of the Tenements aforesayd with the Appurtenan- did not eiest. ces, within the Term aforelaid, as the same C. above against him complaines: And of this he puts himselfe upon the Country, and the aforesaid C. in like manner: Therefore command is given to the Sheriff, that he cause to come twelve, &c

Entry in the Quibus, or to whom, &c.

F. Widow by R. W. her Attorney, demands against A. H. A Declaration Gentleman, one water Mill, five acres of Land, and three acres on a writ of of Meadow with the Appurtenances, in H. and M. as her Entry in Le Right and Inheritance, and of which the same A: hath unjustly and Quibz . Trin. without Judgment, diffeized the aforefaid E. within thirty years now last past: And whereupon he fayth, That he himselfe was Seized of the Tenements aforefaid with the Appurremences, in his Demelne as of Fee and right, in time of peace in the time of our Lady the Queen that now is, taking thereof the full, to the value, de. And of which, &c. And thereupon he brings his Action, &c.

4. Eliz. Rot.

ND the aforefaid A by W. Ryme his Attorney, comes and defends his Right, when ore. And faves, That the aforefaid B. oneht not to have her Action aforefaid against him, because he favel That before the day of the illning forth of the original Writ of her the faid E. one F. H. Father of him the faid A, whose Heire he is see Seized of the Tenements aforelaid with the Appurtenances in Demeloe as of Fee, and to being thereof Seized of fuch his Effare dyed thereof Seized, after whole death, the fame Tenements with the Appurtenances, did discend to him the layd A. as to the Son and Heire of the aforelaid E. by which the lame A into those Tenemants with the Appartenances did enter, and was thereof Seized in his Demeine as of Fee: And the aforefaid E. claiming the Tenements aforefave with the Appurtenances by colour of a certain deed of demife to her shereupon made, for Tearm of her life, by the aforefaid P. where nothing of the lame Tenements with the Appurtenances, into the Podeffion of the aforefaid E. ever paffed, into the fame Tenements with the Appurtenances, did enter, upon whose the savd Elizabethe Pollellion thereof, he the favd . I into those Tenements with the Appurtenances did re-enter, as it was lawfull for him to do : And this he is ready to aver, whereupon he demands Judgment, whether the aforefaid B. ought to have her Action aforefaid against him Se.

And the aforefaid E. fayes, That the by any thing before alleadsed ought not to be debarred from having her Action aforelaid becau e the farth. That long before the aforefaid F. had any thing in the Tenements aforefaid with the Appurtenances, one T: S. was Seized of the Tenements aforefaid with the Appurtenances, in his Demelne as of Fee, and fo being thereof Seized, dyed thereof Seized, after whose death the Tenements aforesaid with the Appurteninces, did difcend to the aforefaid E. as to the Daughter and Heire of the aforefaid T. B. By which the fame E. into the Tenements aforefaid with the Appurtenances, did enter, and was thereof Seized in hre Demesne as of Fee, untill the aforesaid F. into the Tenements aforefaid with the Appurtenances, upon the Possession of her the favd E. did enter, and the same E. did thereof unjustly and without Indement diffeize, by which he the faid F. was Seized of the Tenements aforefaid with the Appurtenances, in his Demefne as of Fee by diffeizin . And the aforefaid F. fo being thereof by that Differzin Seized, within five yeares next after that Diffeizin at H, in the Counen aforefaid, dyed thereof of fuch his Estate Seized, after whole death the Tenements aforesaid with the Appurtenances, did distrend to the aforesaid of as to the Son and Heire of the aforesaid F. by which he the said of into the Tenements aforesaid with the Appartenances did enter, upon whose said A, his Possession there-

of, the fam e E. within five yeares after that diffeizin, into the Tenements aforefaid with the Appurtenances, did re-enter and was thereof Seized in ber Demefne as of Fee, win her remitter untill the aforefaid ... her the laid &. of the remements aforefaid with the appartenances, unjustly and without Judgment did differze, as the aforefaid E. by her Writ and Declaration aforefaid have above (uppoled : And this the is ready to aver, whereupon the prayes Indement and Seizin, of the tenements aforefaid with the appurtenant ces, together with her Damages, by reason of that differizin to be adjudged noto her. de.

ND the aforefaid A. by protestation faves. That the aforefaid T. S. did not dye Seized of the tenements aforefaid with the appurtenances, as the aforefaid E. hath above alleadged, for Plea he fayth as formerly, that the aforefaid F. H. Father of him the faid A. whose Heire he is, was Seized of the aforefaid tenements with the appurtenances, in his Demeine as of Fee, and so being thereof Seized of fuch his Estate, dyed Seized thereof, after whose death the same tenements with the appurtenances, did discend to him the faid A as to the Son and Heire of him the faid F. by which he the faid A into the tenements aforefaid with the appurtenances did enter, and was thereof Seized in his Demeine as of fee, as he bath above alleadged, without that, that the aforefaid F. did diffeize the aforefaid The Tenant E. of the tenements aforesaid with the appurtenances, as the a foresaid Differin by E. harb above alleadged: And this he is ready to aver, whereupon him made to as formerly he grayes Judgment; and that the aforefaid & may be the Demandebarred from having her Action aforesaid against him, &c. dant.

ND the aforefaid E, as formerly fayth, That the aforefald F. Ifue upon the unjustly, de did diffeize her the faid B. of the tenements a- discirling foreigid with the Appurtenances, as the hath above alleadged And this the prayes may be inquired of by the Country, and the aforefayd A: in like manner: Therefore command is given to the Sheriff, that he cause to come here on the morrow after Al-soule. welve, de.

Lour North Co. C. C. C.

N Debt upon an obligation of eight hundred pounds, and prayeth Abatement in Over of the Writing aforesaid, and to him it is read in these words, the Obligation erc. Which being read and beard, the fame Defendant prayeth for that word Judgment of the Writ and Declaration aforesaid, because he is insignificant. faith. That the faid Plaintiff by his Writ and Declaration aforesaid above supposeth, that the same Defendant oweth to the aforefaid Plaintiff

Plaintiffeight hundred pounds, which to the same Plaintiff he should render: whereas in truth no fuch word in the Writing aforefaid is had containing and warranting this word in the Writ and Declaration on aforefaid specified, (that is to fay) eight hundred; but in the same Writing obligatory, these two words (that is to fay) Eight hundred. are Written and contained, which faid two words have no fignification of any certain Sum, and so the Writ and Declaration aforefaid are not warranted of, and upon the Writ and Declaration aforefaid by the faid Plaintiff here in Court brought, by which the same Defendant prayeth Judgment of the Writ and declaration aforesaid, &c. And because the aforesaid Plaintiff hath not denyed the Exception aforesaid, which by the inspection of the Writ, Declaration, and Writing aforesaid to the Court here sufficiently appeareth, therefore it is confidered of that the faid Plaintiff take nothing by his Writ aforefaid, but may be in Mercy for his false clamor, &c. And that the said Defendant may go thereof without day, &c. It is also considered of that the aforesaid Defendant stall recover against the faid Plaintiff his Damages, by Teafon of the Premisses to the same Defendant by the discretion of the Inflices here at his Request for his Costs and Charges in that behalf fustained, according to the form of the Statute, &c. by the Court here adjudged, Or. M. 3. and 4. Eliz. Rot. 1350.

No Damages wereaffeffed .

Against the Heires in Gaa Bond.

TIENT S. W. B. late of Cheeving, in the County aforefaid, hufbandman, and I. B. late of C. Go. Son and Heir of T. B. lately vellinde upon called T. B. of C. in the County of K. Yeoman, were summoned to answer H. H. of a Plea, that they render tohim ten pounds which to him they owe, and unjustly detain, &c. And whereupon the same H. by T. B. his Accorny, faith, that whereas the aforesaid W. and 7 in his life. the twentieth day of Aprill (in fuch a year) at Sevenock, by his certain Writing obligatory, had acknowledged himself to be bound to the fame H: in the aforesaid ten pounds to be paid to the same H: when he should be thereunto required, and to that payment well and truly to be made, the faid T: B: had bound himself and his Heirs by the same writing, and that the aforesaid T: B: in his life was seized of one Messuage, five acres of Land, five acres of Meadow, and five acres of pasture with the appurtenances, in C: in the County aforesaid. amongst other Lands and Tenements in the same County, in his Demesne as of Fee, and being to thereof seized, dyed, after whose Death, the Tenements aforefaid with the appurtenances, amongst other things did discend to the faid W. and I. as Sons and Heirs of the aforefaid T. B. in that that the Tenements aforefaid with the Appurtenances, are and at the time of the Death of the faid T. B: were of the Tenure and nature of Gavelkind in the County aforefuld, and that all the Lands and Tenements of the fame Tenure in the County aforefaid, are, and from the time of the contrary, whereof the memory of man is not

Extant,

Breant, were devilable and partible, and parted and deviled amongst the heires males, yet the fayd T. B. in his life, and the aforefaid W: and I. after the Death of him the faid T. although often required the aforesaid 101, to be paid to the said H. have not rendred, but the same to him to render hath denyed, and the aforesaid w: and I: the fame to him yet to render doth deny, whereupon he faith, that he is damnified and hath Damage to the value of ten pounds, and thereof he bringeth the fuit, &c. And he bringeth here into Court the Writing aforesaid, which testifieth the Debt aforesaid in Form aforesaid the Date whereot is the Day and year above faid, &c. Hill the fourth of Car.

Dower.

ORMERLY as it appeareth in the Term of E. last past, Roll Voucher in 922. it is thus contained, War. J. M. W. widow, which was Dower, and wife of I.W. by W. D.her Actorny, demands against W. W. her Judgement at third part of five Messuages &c. with the appurtenances in C. as gainst the Teher Dower, out of the Endowment of the faid I. once her Husband, nant for de-&c. And the faid VV. VV, by C. R. his Attorny cometh and calleth Voucbee. to warranty thereof I. P. and L. his Wife, and M. VV. Daughters and Heirs of the faid I. VV. lately Husband. &c. he may have them here in fifteen dayes of the Holy Trinity, and the Summons in the County aforesaid by the aid of the Court, &c. The same day is given to the parties aforesaid here, &c. At which Day here came as well the aforefaid M. as the faid W. by their Attorneys afore faid, and the faid I. P.& L. his Wife, summoned, &c. Made their Essoyn of undue coming 2gainst the said M. of the faid Plea, and thereupon they have Day by their Esfoyn, here untill three Weeks of Saint Michael then next following, at which Day here came as well the faid M. as the faid W. by their Attorneys aforesaid, and the said I. P. and L. and M. solemnly required, came not, &c, Therefore let there be taken into the hands of the Keepers, &c. Of the Land of the faid L. and M. to the value, &c. And the Day, &c. And the faid I. and L. and M. were summoned that they may be here in eight dayes of Saint Martine, &c. The same Day is given as well to the aforesaid M, as the said W. &c. At which Day here came as well the aforesaid M. as the aforefaid w. by their Attorneys aforefaid, and the Sheriff did not fend the Writ; therefore as before another Writ thereof in Form aforefaid was made to him returnable here in the morrow, &c. The same Day is given as well to the faid M. as the faid VV. here, &c. And now here at this Day (that is to say) at the same Moneth of E. came as well the aforesaid M. as the said W. by their Attorneys aforesaid, and the Sheriff (that is to fay) R. W. Knight, now returned that the faid L. and

and M: had no Lands or Chattels in his Bailywick, which he could take into the hands of the said Keepers, &c. To the value of the third part of the Lands, Tenements and Rent aforesaid: And that the said L. and M. had nothing in his Bailywick, by which they could be summoned, whereupon the aforesaid M. prayeth her seizin of the third part aforesaid with the appurtenances, against the said W. to be adjudged unto her, &c. Therefore it is considered that the said M. do recover her seizin against the said W. of the third part aforesaid with the appurtenances: And the same W. into mercy, &c.

And hereupon the aforefaid w: prayeth the Writ of the said Keepers, &c. of causing her to have full seizin of the third part a-foresaid with the appurtenances, to be directed to the Sheriff of the County aforesaid, and to her it is granted returnable here in three weeks of the holy Trinity, &c.

The Tenant calls to warrany.

Tenant pleadeth release with warranty and the Voucher acknowledgeth-the Deed of his Father, and pleadeth nothing by discent.

A ND the aforesaid w. by, &c. And otherwise calleth thereof LA to warranty F. Summoned in the County of G. &c. Who now by fummons to him made in the fame County of G. by his Attorney came, and demandeth to be shewed to him, for what he ought to warrant him, &c. And the fayd W. faith, That the aforefaid Mannor with the appureenances whereof, &c. Being in the Seizin of the faid w. his Father, whose Heire he is, one F. Father of the favd F. whose Heire he is, by his Writing, did remise grant, and alwaies for him and his Heires for ever, quiet claim the fayd w. the Father, &c. And his Heires for ever, the whole Right or claim which he had, prider the name of Reversion, or by any other waies might have in the Mannor aforefaid, whereof, &c. (as in others) and bound himselfe and his Heires to warranty, &c. And produceth here in Court the aforefaid Writing, which restifyeth the Premisses, &c. And demandeth that he may warrant him : And the faid F. doth well acknowledge, that the aforefald Writing is the deed of the favd F. his Father e.c. And as Heire of the fayd F. by blood, having nothing by Heredirary diffeent in Pee-simple of the sayd F. the Father, &c. Doth warranty him, and rendreth the fand A. her Dower, &c. So that it is also confidered of, that the aforesaid A. may recover her Seizin of the aforefaid third part with the apportenances, against the faid w. the Son of w. &c. And the fame w. may have of the Land of the aforesaid F. to the value, &c. And the same F. in mercy. 25 m bikistoka nijot nijusika. a self-martin a

A ND as to this, that the aforesaid F. above to the said W. the said third part as Heire of the said F. his Father, having nothing by blood, by hereditary discent in Fee-simple of the aforesaid F. the Father, &c. Warranty, &c. The same W. sayth; That the said F. hath

F. hath Lands and Tenements at W. in the layd County of B and at W. in the County of S. and at W. in the fayd County of C. infficient, which discended from his fayd Father, by hereditary difcent in Fee-fimple, whereof he may make to the faid VV, the value of the aforesaid third part with the appurtenances: Therefore it is commanded to the Sheriff of the fayd County of B. that. &c. he cause to be extended and apprized the said third part with the appurrenances, and also may diligently inquire what Lands and Tenements die discend by hereditary discent in Fee-simple, to the faid F. from his Father: And also it is commanded to both the Sheriffs of D. and S. that they also diligently inquire, what Lands and Tenements did difcend to the faid F. from the faid F. his Pather : And every one of the favd Sheriffs, those things likewife which they shall finde particularly, they cause to be extended and apprized and the extent and apprizment which, & c.every one of the aforefaid Sheriffs cause to be made known here in three weeks of E. under feale. &c. And the Seales, &c.

Came, &c. And fayth, That the aforefaid E. her Action against Ready to one I him ought not to have, because he sayth, That the said R, at the dow the Plaintime of his death, was seized of the Tenements aforesayd with the deliver a Box appurtenances, whereof, &c. And possessed of a certain Box fealed, with Deeds, with divers Deeds. Writings, and other Minuments, touching and &c. concernconcerning the Tenements aforefaid with the Appurtenances, in the ing the Efface, fame Box contained: And the fame R. being fo feized of the fame tenements with the appurtenances, and possessed of the Box aforesaid. with Writings, &c. dyed thereof feized and possessed after whose death, the Tenements aforefaid with the appurtenances, for that, that the faid R. dred without Heire of his Body iffuing, did difcend to the same 7. as Brother and Heire of him the said R, and the Box aforefaid with the Writings, &c. Afterwards, (that is to fay) at D. aforefaid, came to the hands and possession of the favd E. And the same I, then and there required of her the said E, the Box aforefaid, with the Writings, &c. to be delivered to him : And the fame E. although often required, hath wholy refused to deliver that Box, with the Writings, co. to him, and yet doth refuse and unjustly detaineth the same from him : And the same I. further sayth, That he is and was alwaies ready to Endow her the faid E. of the same Tenements with the appurtenances, and to render the third part of those Tenements to the favd E. as her Dower, if the same E. will deliver the Box aforefaid with the Deeds, &c. to him the fayd I. And this he is ready, do. Judgment if, oc.

ND the aforefaid E. fayth, That the by any thing before al- doth not de-I leadged from her Action aforesaid, ought not to be barred, taine a Box

tiff, if be will

The Plaintiff faith that Thee because mith Deeds.

because the faith, that the doth not detain from the faid 1: the box aforesaid with the Deeds, &c. in the form in which the said 1: hath above alleadged, And this the prayeth, &c. Trin: 4: and 5: Elia: Ret: 1688: See Dyer, 230:

Ejectment.

Declaration in T T Enry O. late of, &c. and S. V. late of &c. in Mercy for ma-Ejectment, and I ny Defaults, &c. they the faid H. and S. were attached to answer for goods car- P. M. and A. M. Executors of the Testament of I. M. of a Plea, syed away. wherefore they by Force and Arms, one hundred Acres of Meadow. and five hundred acres of pasture, with the appurtenances in W. (which I. O. did demife to I. E. for a Tearm which is not yet paft, which faid I. E. did demife the fame to I. E. to the fame Tearm . which faid J. P. did demile the fame to the faid I. M. at the same Tearm) entred, and them the faid P. and A. from their Farm aforefaid. did eject, in retarding of the Execution of the Testament aforesaid, and the Goods and Chattells of the faid P. and A. to the value of forty pounds in the same Tenements found; did take and carry away, and other Enormities, &c. to the Greivous Damage, &c. And against the publick peace, &c. And whereupon the same P. and A. by I. B. their Attorny, complain, that whereas the aforefaid I. O. (Such a day and year) at W. aforefaid, by his certain Writing indented between him the faid I. O. by the name, &c. of the one part, and the aforefaid I. E. by the name, &c. of the other part made. Which other part signed with the Seal of him the faid I. O. they the fayd P. and A. produced here in Court, the Date whoreof, is the same day and year, he had demised to the faid I. E. the Tenements aforefaid with the appurtenances, amongst other things, by the name, &c. To have and to hold the Mannor aforefaid, and other the premisses with their Appurtenances to the aforesaid f. E. his Executors or Assignes, from the Feaft, &c. then next paft, untill the End and Tearm of twenty one years from thence next following, and fully to be compleat: by virtue of which Demile the faid ?. E. was of the aforefaid hundred Acres of Meadow, and five hundred Acres of paffure with the Appurtenances, amongst other things possessed, and being thereof so possessed, the faid I. B. afterwards, (that is to fay) (Such a Day and year) at Wi aforeiaid did grant his whole Estate interest and term of years, which he then had to come, of, and in the Mannor and Tenements with the appurtenances to the faid 7. P. by virtue of which Grant the faid I. P. was thereof possessed, and being thereof so possessed, the faid I. P. afterwards (that is to fay) (Such a Day and year) at W. aforefaid, did grant his whole Estate, Interest, and Tearm of years, which he then had to come, of, and in the Mannor and Tenements aforesaid with the appur-

appurtenances, to the faid 7. M. by virtue of which Grant, the faid 7: M: into the Tenements aforelaid with the appurtenances did enter. and was thereof postessed, and the said 7. M: being so thereof posfeffed , the faid I : M : at F. in the County of W : made his Testament The Executors and last Will in Writing, and by the same did appoint them the said possession by P: and A: Executors of his Testament aforesaid, and afterwards vertue of the there dyed thereof feized, after whole Death the faid P. and A: into will, the aforesaid hundred Acres of Meadow, and five hundred Acres of pasture with the appurtenances, amonst other things, did enter and were thereof possessed by virtue of the Execution of the Testament aforefaid, untill the faid H. and S. after (that is to fay) (Such a Day and year) by Force and Arms, &c: into the faid one hundred acres of Meadow, and five hundred Acres of Pasture with the appurtenances (which the faid 7: 0: did Demise to the sayd 7: H: to the Term aforefaid which is not yet past, which faid 7: did demise the same to the faid 7. P: to the fame Tearm, which faid I: P: in form aforefaid did demife the fame to the faid 7: M: to the fame Tearm) did enter . and them the faid P: and A: from their Farm aforesaid did Eject, in retarding of the Execution of the Testament aforesaid, and his Goods and Chattalls (that is to fay) twenty loads of Hay, &c: to the value. &c: in the fame Tenements found, did take and carry away, and other Enormities, &c. to the greivous Damage, &c : and against the Peace . &c. wherenpon they fay, that they are damnified, &c. and therenpon they bring the Suit, &c: And they produce here in Court the Letters Testamentary, &c . by which, &c : and thereof to have Administration, &c.

Information.

raign of our Lord King James, comes here into Court F. P. gamfl a Parfor lately of, &c, and exhibits here into Court his certaine Infor- dence upon the mation against one R. S. lately of W. in the County of S. aforesaid, Statute of 21 Clerk, the tener of which faid Information follows in thele words, Waller, To the Justices of the Lord the King of his Bench, Suff. ff. Be lac. Ros. it remembred that F. P. Gentleman, which as well for the Lord the King. as for himselfe in that behalfe followeth, came here into Court of our said Lord the King, before William Daniel Knight, one of the Justices of the Court of the Jayd Lord the King, of his Bench, the twelfth day of Pebruary in the feventh years of the King in his proper person: And as

E it remembred, that the twelfth day of February, otherwise, Suffolk & that is to fay, the Terme of Saint Hillary, in the yeare of the Information is H.S. Trin. 18.

well:

well for the came Lord the King as for himselfe, gives the Cours afore land here to understand and be informed. That whereas by a servaine All in Parliament of King Henry the eighth, held at Weltminster in the County of Middlefex, the third day of November in the one and twentieth years of his raign, it stands enacted by authority of the same Parliament, that after the Feast of Saint Michaell the Arch-Angell then next following, no perfor spirituall, secular, or regular, of what sever degree he or they were, thould from thence take to Farme, to him or to any person or persons to his proper use, of the Lease or Grant of our Lord the King, or of any other person or persons, by Letters Patents, Indenture, writing by word or otherwise, by any means, any Mannors, Lands, or Tenements, or other Hereditaments, for terme of life, for terme of years, or at will, under the paine of forfeiture of ten pounds for every moneth, wherein he, or any other to his use, did occupy any such Farme; the one moity of which forfeiture to be to our sayd Lord the King, and the other moity thereof to be to any such person, who should profesute Suit in any of the Courts of Record of our Lord the King; in which A-tion and suit, no wager of Law was to be admitted for the Defendant: And further it is Enacted by the Anthority afore and, That all Inch Domi-Tes made, or then thereafter to be made, to any fuch person spirituall or persons, or to any others to their use for terme of life, yeares, or at will. of any Mannors, Lands, Tenements, or Hereditaments, of which they or any of them should take any profit, or medling, by themselves, or by any other to their use, after the same Feast of Saint Michaell, by colour of any Demise or Grant, and by them not bargained, granted, and fold, before the laydfeast, as is before limited, should from thence be void and of no force as well against the Lessor and Lessors, Grantor and Grantors, their heirs and Assignes, and against any of them, as against the Dessee and Lessees, and their Executors and Assignes, and every of them: And lastly it is Enacted by authority of the same Parliament, that as well every spiritual person then promoted to any Archdeaconry, Deaconry, or dignity in any Monastery or Cathedrall Church, or any Covent or Collegiate Church, on being beneficed with any Parsonage or Vicaridge: that al & singular spirituall person or persons, which from thence bereafter should be promoted unto any places, dignities, or benefices, with any Parsonage or Vicariage from the Feast of Saint Michael the Arch-Angell then next following, should be personally resident and abiding at and upon their Dignities, Prebendaries, or Benefices, or at one of them at least; and in case any such Spirituall person at any time after the same Feast, should not keepe restdence at one of his Dignities, Prebendaries, or Benefices aforefaid, but shall abjent himselfe voluntarily by the space of one moneth at one time. or by the space of two moneths to be numbred at several times in any one yeare, and shall make his residence and habitation in any other place, by Such time aforesayd. That then he or they shall forfest for every such default ten pounds of lawfull money of England: Yet

Wet the aforefaid R. Salately of the being a fairingall person, and Rector of the Parish of Saint E. in G. in the County aforefaid, very little weying the Statute aforefaid, nor in any manner feating the punishment in the same Statute contained, after the publishing of the Act aforefaid, and before the day of the exhibiting this Information. to wit (fuch a day and yeare) aforefaid, and continually after, by the foace of eleven whole moneths then next following, did voluntarily abjent himfelfe from his Rechory aforefaid, fo that the aforefaid R. S. did in no wife make his abode or residency in at, or upon, his Rectory aforefaid, by the time aforefaid, against the forme of the Starute in that case made and provided; by which the fayd R. S. forfeited and loft one hundred and ten pounds of lawfull money of England. that is to fay, for each moneth of the aforelayd eleven moneths ten pounds: Whereupon the aforelayd F. P. who follows as well for our Lord the King, as for him elfe, prayes the advisement of the Court in the premiles, and that he the faid F. may have the moity of the forfeiture aforefaid, according to the forme and affect of the fame Statute; as also that the aforesaid R. may come here into Court to answer in and upon the premiles, and Pledges of professing John Doo, and Richard

A ND the aforefaid R. by N. H. his Attorney, comes and defends The force and injury, when or and faves, That he in nothing is guilty of the premiles put upon him, in manner and form as the fame F. who follows as well for the Lord che King, as for himselfe, by his Information aforesaid hath above Supposed: And of this he puts himselse upon the Countrey, and the aforesaid F. in like manner: Therefore command is given to the Sheriff, that he cause to come here Wednesday next after three weeks of the Holy Trinicy twelve, Or. and who neither, &c. to recognize, &c. because as well, &c.

DE it remembred that & S. who as well for the Lord the King and Information s-Dehe poor of the parish, &c.as for him lesfe in this Behalf profecutes, camita Recucomes here into Court, the thirtieth of June in the felf same fant, Trin. Tearm, in his proper Person, and Exhibits to the Justices here a cer- 18 Jac. Rot. tain Information against one E : B : of London Widow, the Tenor of 2852. which faid Information followes in these Words. To the Justices of our Lord the King, of his Bench London, ff. Be it remembred that E : S: who as well for the Lord the King, and the poor of the Parish of Saint Mary Bone, in the Ward of Chens, London, as for himself in this behalf profecures; comes here into Court the thirtieth of June, in the felf fame Tearm, in his proper Person and as well of our faid Lord the King and the same poor of the Panish aforesaid as for himselfe, gives the Court here to understand and be informed, that one Elizabeth Blackwell of London Widow, who the fift of Ottober in

the leventeenth year of the Raign of the King that now is, was of the age of fixteen years and more, and abiding and inhabiting within this Realm of England, that is to fay . At Saint Mary Bowe in the Ward of Chear London, and from the aforelaid first day of October, in the feventeenth year aforefaid unto the Day of the Exhibiting this Information, that is to fay, by the space of Eight whole Months, or more, did not repaire, nor make her indeavour to repair, unto the parish Church of Saint Mary Bow, in the ward of Cheap, London aforesaid, unto any other Church, Chappell, or ofuall place of Common Prayer, and there remain orderly, and to go away, during the time of Common Prayer and Preaching, or other doctrine or Service there used or minifired : but for the whole time aforefaid at London, in the Parish & Ward aforefaid, having no lawfull Excuse, did voluntarily and obstinatly forbear the fame against the Statute, in the like Case lately published and provided, whereupon the faid E. as well for our faid Lord the King. and the faid Poor of the Parith aforefaid, as for himfelf, prayes the advisement of the Court in the premisses, and that the aforesaid E. may be lawfully thereof convicted and for her Offence aforefaid, may for feit a 100 and col. of lawfull mony of England, that is to lay, Twenty pounds for each Month of the aforesaid Eight whole Months; in which the aforesaid E. did not repair unto the Church as aforesaid: And that the aforesaid Forfeiture may be divided into three Equal parts, And that the aforefaid E. may thereof have his third part according to the form of the Statute aforelaid, and that the aforefaid Elizabeth may come here into Court, to answer, in and upon the Premisses, &c. Pleadges of profecuting: John Doo, and Richard Roo.

An Information upon the Statute for ufing a Trade, not being Apprentice.

DE it remembred that W. S. who profecutes as well for our Lord Dehe King as for himselfe in this behalfe, comes here into Court the fixteenth day of June, in the eighteenth years of the King, in the selfe same Term, in his proper person, and as well for the same Lord the King as for himselfe; gives the Court here to understand and be informed, that one G. B. of E, in the County of D. Yeoman, betwixt the first day of May last past, and the day of exhibiting this Information, at E. aforesaid, to witt, by the space of eleven whole Months now last past, did use and exercise, the Art, Mystery, or mannuall occupation of a Cutler, the same G. being never educated or bred up in the Art. Mystery, or mannuall Occupation of a Cutler, as an Apprentice, by the space of seven years, according to the form of the Statute in the Parliament of our Lady Elizabeth, late Queen of England, held at Westminster in the County of Middlesex, the ewelfth day of Feburary, in the fifth year of her Raign, being in the like case made and provided: And at the time of the publishing of the fayd Act, did not use or exercise, the Art, Mystery, or mannual Occupation of a Cutler; and that the Art or Mystery of a Cutler

was used the aforesaid twelfth day of January aforesaid above specified by which the aforefaid G. forfeyted two and twenty Pounds of lawfull Money of England, that is to fay, for every Month of the fame eleven-Months, wherein the aforesaid G. did use and exercise the Art or mannuall Occupation of a Cutler, against the form of the Statute aforefaid, as is above premited, forcy Shillings of lawfull Money of England, whereupon the fayd VV. who as well, &c. prayes the advisement of the Court in the Premiffest And that he the flyd W. may have the Mouty of the forfeyoure aforefaid, according to the form of the Statute aforelsid; as allo that the aforelaid Gamay dans come here into Court, to answerin and upon the Premilles, was

at a Sier biffined, that no Sheriff, under Sheriff, Eicheat ir Bayliff of J. Jecutes as well for the King as for himfelf in that behalf Jacely in A Soire fac, the Court of our fayd Lord the King that is to fay In the Term of and Judgment Saint Michaell, in the fifteenth year of his Raign before Henry Ho thereupon, affart Knight and Paronds land his sellows, theo Justices of our flyd upon an Infor-lord the King, as his Bench best 10 with at Westminster, by the cone mation against fideration of the same Course had recovered for our fixed Lord the Ingrosors.

King and for him selly against VV. To of B. in the County of York cobi Rot. 419. Yeoman, leventy Pounds, which to the favd En for our favd Lord the King and for himself in the same Cours bere were adjudged by realen of a gentain Frespanse and contempt by him the sayour nome mitted against the form of the Statete, the fifth year of the Raign of our Lord King Edward the fixth; against Ingrossors published. whereof he is convicted, as by the Records and process thereof in the fame Court of our layd Lord the King here at Weltminster aforefaid remaining, it manifestly appears, year he Execution of the Judgment aforelaid as type remaines to be made; so by the Information of the aforefaid E. the King bath received, or And because, och therby honest men &c, he make known to the aforefaid VV that he bethere at this day to witt, on Wedeniday after the morrow, after the holy This nity, to thew if any thing of AWherefore the aforefaid E. for our aforefaid Lord she King and for himself sought not to have execution against him of shellsforesaid deventy Pounds, according to the form of the recovery aforefaile of a deline in mile de bould much

And now here at this day came the paforefaid E. in his proper person, and offered himself against the aforesaid VV. of the aforefaid Plea, and he being folemnly required came note! And the Sheriff now returns athred the aforefaid Windhart mothing de Nor is found, or The sefore it is confidered that the aforelaid E. for our layd Lord the King and for himself, have Breeution against the land VV. of the aforefaid sevency Pounds by his the fayd VV. debolelle to our Ladythe Oueen and to her Monfers : Theyo, slush

G. IV. who is no Minister of our faid Lady the Queen, de, Ontof Bi.

ard the terra.

decimit a Sinc-

York E. du veifie al. on the Statut for interne di-Ya sua 18 ill the Feet See

the Stande.

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An Action upon the Statute
of the first year
of King Richard the third,
against a Shevist for taking
the goods of a
person in Prison, before
conviction.

ND thereupon the Plaintiff fayer, That whereas in the Parliament of R. late King of England the third, after the Conquel at Woftminfter, in the first year of his Raign, held and published, smongst other chings, it was ordained and effablished, that no Sheriff, under Sheriff, Escheator, Bayliff of a Franchife, nor any other perfon, thould take or ferze the Goods of any Rection Arrested or Imprisoned for Felony, before the faid Perion to Arrefted or Impresented, should be convicted of fuch Felony, or be condemned according to the Law of England; or those Goods and Chattels should be otherwise lawfully forfeyred, under pain of forfeying the double value of the Goods fo taken, to him, who in that part thall be damnifyed by an action of Debt in that behalfe to be brought by the like processes, Judgment, Execution, as in actions of Debt at the common Law, hath been profecuted and used . And that no Efform on Proceduction in fach like Actions frould bradmittedof, nor the Defendant in the faire Action should be admitted the fluid Richard (ayes, That he (Such a day and years) at H. in the County of M. for faspition of Relony, was Arrefted and Imprifoned, and alchough the faid A of the fime Felony hitherto. hach non-beam his heree conviet or Arraint, nor any Goods of the faid Ba any newcies were the fully forfelt, yet the aforelaid 7. the Statute aforefaid in no water meying (Such a day and yeare) at H. a-forefayil, the Goods, that is to fay, One Horse of the faid R. to the value of hiry failings, did cake and feize, against the form of the Seasons afterdayd, by which the Action bath accrued to the faid Reportequine and have of the fords Defendant, for the double value of the fondands, the aforefally hundred thillings, yet the fall Defendant although often required the aforefall hundred fallings to the faid Plaintiff, hathmorpaid; but the fame, of to be only the age the out to

York fl.

An action upon the Statute for taking diffrese out of the Fee: See the Statute.

I'M lately of the Mepman was attached to enforce? H. of Is a Pled to har in here's by the common Countell of this Realm of our Lady the Queen of England) it is provided, that it shall not be lawfull for any person to make diffresses, for any least whatsoever, out of his Ree nor in the Kingshigh Way! nor in the Common Street, unlesse to our Lady the Queen and to her Ministers: The aforesaid G. VV. who is no Minister of our said Lady the Queen, &c. Out of

his Fee at T. the Cattell of him the faid H. in the Kings high Way sosinft, the form of the Provision aforefaid, hath taken and Impounded and the aforefaid Castell hath kept long Impounded, against the Law of our aforefaid Lady the Queen, and against the Peace of our aforefaid Lady the Queen, &c. And thereupon the aforefaid H. by R. G. his Attorney, complaines, That whereas by the common Councell of the Realm of our faid Lady the Queen of England, it is provided, that it shall not be lawfull to any perion, to make diffreffe for any caule what loeven, out of his Fee, nor in the Kings high Way. nor in the common Street, unleffe to our faid Lady the Queen and her Ministers: The aforesaid G. who is no Minister of our faid Laidy the Queen, o.c. Out of his Fee, at T. (Sucha day and yeare) the Cattell, that is to fay, two hories of him the faid He in the Kings high Way, against the form of the provision aforesaid, bath taken and Impounded: And the faid Cattell long, that is to fay, For the space of two dayes then next following, he detained in Pound, against the Law of the Realm of our faid Lady the Queen of England, and against the Peace of our faid Lady the Queen, ere, Wherebyherayes, That he is damnifyed and hath Damage so the value of cen Pounds; and thereupon hearings his Suite of and sand and a bestury avoir

N. N. E. Cantrell of T. in the County, che, Widow, and H. C. An action of dic. Were attached to answer H. A. of a Plea, that whereas in the Statute of the Statute in the Parliament of late King Heary the fixth at VV-6. 8 H. 6. against minfter, in the eighth weare of his Raign, held and published, amongs forcible Enother things, it is contained, that if any Person shall be foreibly ex- 9. E. Regine, pulled and differzed, of any Lands or Tenements, or thall be peacenb- Rot, 812, ly expelled, and afterwards with a strong hand held out, or any Feofiment or discontinuance, after such his Entry, bein any manner made to defraud or take away the right of the Pollefor: That the party in that behalfe grieved, that have against fuch a diffeizor, an Affize of new diffeizin, or a Writ of Treforffe: And if the party grieved by Affize or by Action of Troppelle thall recover, and by verdict or by other meanes, by due form of Law, if it be found that the party Defendant, into the Lands and Tenements, Thall have entred by force or them by force after fuch emry fhall have held the Plainsiff shall recover his Damages, to the crebble value against the Defendant : And further shall make fine and redemprior to the Queen. as in the faid Act is more fully contained, the aforefaid ... and H. into halfe and acre of Wood, of him the faid ? A with the Appureenances in D. by force and Armes entred, and him the faid ? A by force and Armes did expulse and differze, and him to expulsed and differzed of the aforefait Wood, by ftrong hand held out, and as yet holdes out, to the contempt of our Lady the Queen that now is, opit int Deed & Deinike to lein dierengobranden i Termi of hie. 70

And whereupon the faid H. A. by 7- R. his Attorney; complaines that the hiorefaid A. and 41. and others. Such a day and years into halfe an acre of Wood, of thin the faid H. L. in D. aforefaid by of once and Armes, that is to day, With Swords, Staves, and Knives did enter, and him the laid H. with firong hand, that is to fay with releven men in War-like mariner arrayed and armed, did expel and differze and this to expulsed and differzed of the aforesaid halfe acre of Wood with the appurenance, with firing hand held our and as very holds one in the contempt of our faid Lady the Queen and his the faid B great Damage, and abainst the form of the Statute aforefaid, and against the peace, &c. Whereby he fayes he is damnihe brings his Action &cer making as non own was of a rail to see high Way, against the form of the provision aforeignd, bath caker and

A.Plea in Bar. Act NiDiche aforefaid M. and H. by T. D. their Attorny, come and defend the Force and injury , when , &c. And what loever, &c. And as to the coming with Porce and Arms; &c. they fay, they are chereof in no wife guilby, and of this, oc. And the aforefaid H. A. in likemanner, und acrotherendne of the Trefpaffe and Entry aforefaid above supposed to be done, they the will . and H. fay, that the forefaid H, ought not to have against them his aforesaid Action, because they layothar long before the faill time wherein the Entry aforea south sui fulderis supposed to be made. One R.V. was feized of one Melluage twelve acres of Land, eight acres of Pafture, and two acres of Wood Bertombe badbiteninees among frother Phings in D. "aforelaid Carbeceofdire fildettate acre of Wood with the Appurtenances is, and the aforefuld time wherein, & o. as also from the time the contrary thereof, is not extant in the memory of Man, was parcell) in his Demeinens of bee and the fame R. To being thereof feized before the faid with wherein wed of the aforefaid Tenements with the appure-A Feofment to manges withereof and the did infeoff one W. W. to Have and to hold the tenements aforefaid with the appurtenances, amongst other things, whereofre aprothe aforefaid W. W. his Heirs and Affignes, to the nde of the aforefaid A. for Tearm of her life, and after the Death of the aforefaid wife the wie of him the faid R, the Elder, his Heirs and Afficine for ever by means of which faid Feofinient, and by virtue of a entrain Act of Parliament for counsferring ufes into possession, made at Westminfter, the fourth of February in the twenty feventh year of our late Lord King Henry the Eighth, published and provided, the aforefaid A was feized of the Tenements aforefaid with the Appurtenances whereof, e. amongfoother things; in his Demeine as of Free hold . the Remainder over, after the Death of the aforefaid A, to the faid R his Heirs and Affigns for ever, and the aforefaid H. A. (clayming the aforefaid half Acre of Wood with the Appurtenances by Colour of a certain Deed of Demise to him thereupon made for Tearm of his life

by

wfes.

8 H. 6. against

forcible Entries, Palch.

9. E. Beriffe

The Statute of ufes.

The Colour.

he the aforefaid R. C. the Bider, where nothing of the faid half acre of Wood with the appurcenances into the poffellion of the aforefaid H. 4. by the faid Deed was ever transferred) into the fame half Acre of Wood with the appurtenances, before the faid time wherein, es. did enter, upon whose faid H. A. his possession, the faid A. in her own Right and the aforefaid H. C. as the Servant of the fame Ame and by her commandafter, that is to fay, the fame time wherein, or, did peaceably re-corer and the aforefaid H. Auf the aforefaid half Acre of Wood with the Appurtenances, did peaceably expell and hold out as it was lawfull, & : Without that, that they the aforefaid 27. of Aprill, The Traverse. in the feventh year aforefaid, by force ar a Arms, &c. and by Grong hand incothe aforefaid half acre of Wood with the Appurtenances made their Butry as the aforefaid H. A. above against them complains. and this they are ready to aver, whereupon they demand Judgment whether the aforesaid H. A.ought to have his Action against them. coc.

birdone sentence & and E. C. or formerly-lay that the about the A Nd the aforefaid H. M. faves, that he by any thing before allead-A ged ought not to be debarred from having his aforefaid Action. because by way of protestation, not acknowledging, that the aforesaid The Replicatihalf acre of Wood with the Appurtenances, is, nor the aforefaid time on to the Bay. wherein e.c. as also by the whole time aforelaid, were parcell of the Tenements aforesaid in the bar aforesaid specified; for plea the aforefaid H: faves, that long before the faid R. had any thing in the aforefaid half acre of Wood with the appurtenances 2. A. 7. A. & 7. B. were of the aforefaid half acre of wood with the appurtenances amone tother thing or feized in their Demene as of Fee, and being to thereof feifed before the faid time wherein, con They the faid E. A. 1. A. and 1. B. thereof did enfeoff one R. A. I. F : R . H. and E. B : to hold to them and their Heirs to the use of the aforesaid R: A: and his Heirs for ever by reason of which said Feofiment, and by force of the faid Act of Parliament, held in the aforefaid twenty feventh year of King Henry the Eighth, &c; at VVeltminker, for transferring uses into possession published and provided, the aforesaid R : A : was seized of the aforefaid half acre of Wood with the appurtenances. whereof, comin his Demenne as of Fee, and he the faid R ; being fo thereof feized, the fame R : before the faid time wherein, do: at D: aforefaid, dyed thereof by protestation seized, after whose Death, and before the said time, wherein, &c. the aforesaid half acre of Wood with the appurtenances, did discend to him the said H: A: now plaintiff, as to the Son and Heir of him the fayd R. by which the fame H: before the faid time wherein de: finto the aforefaid half acre of Wood with the apportenances did enter, and was thereof feized in his Demelne as of Fee, untill the aforefaid A: and H: C: him the faid H: unjustly and without Judgment by force and Armes, and with a ftrong hand they did expel and diffeize against the Peace of as the faid H. A.

H. C. were enceled feined in their Demeine as of Fee, by Diffeilin, o'r. and heint is feined thereof by Diffeilin, o'r. the fant A. and H. of the faid half Acte of wood with the appuntenances, did infeoff the aforefaid R. C. to hold to him and his bleim for ever; by virtue of which faid Peofiment the fame R. was of the aforefaid half acre of Wood with the appurtenances, feized in his Demeine as of Fee, and he the faid R. being to the roof feezed, the fame R. before the faid time, wherein, the of the aforefaid P. W. to hold to him his idens and Alignes for ever, to the aforefaid P. W. to hold to him his idens and M. C. have above alterdged, and this he is ready to aver, whereapon he demands Judgment and his Datanges, by reason of the fancy aforefaid, to be adjudged auto faits, 186.

Rejoynder.

N D the aforesaid A. and H. C. as formerly say that the aforesaid R. C. the Elder was feized of one McRuse, twelve Mores of Land , Eight Acres of Parture, and two Acres of Wood, with the anpurcerances in D. aforelaid, whoreof the aforelaid half acre of Wood. with the uppurperances, is, and by the whole time aforefaid was partcell in his Demerneus of Fee, and being to thereof feized, the fame R. before the after faid time wherein, 800, of the fame half acre of wood with the apprentinances, did infeoff the aforefaid W. W. to held to him, his Hoirs, and Affigues for Even, to the ofe of the aforefuld Anne for Tearm of her life; and after her Decenfe to the use of the aforefaid R. his Heirs and Affignet For ever ; by means of which faid Feodiment, and by force of the Statute aforefaid of transferring afes into poffeffion, published and provided, the aforefaid A. was of the Tenements aforefaid with the appurtenances, whereof, &r. amongst other chines. er, feized in her Demesne as of freehold, the Remainder thereof, afper the Death of the aforefaid A. to the aforefaid R. his Heirs and Affignes for ever, as they before have alleadged, without that, that they the faid A. and H: have differed the aforefaid H. A. of the aforefaid half acre of wood with the approtenances in D: aforefaid, as the aforefaid Fl. A. hath above alleadged, and this they are ready to ever. whereupon as formerly they demand Judgment, and that the aforefaid H. A: may be debarred from having his Action aforelaid against them . de:

A traverse of the differsin.

The 1sue upon AND the aforesaid H. A. as formerly sayes, That the aforesaid A. the traverse.

And H. have differed him the sayd H. of the aforesaid halfencre of Wood with the appurenances, as he before hath alleadged; and this he prays may be inquired of by the Gountrey, and the aforesaid H, and M. in like manner: Therefore command is given to the Sheriff. 66.

Probibition.

in antivocable tout and Tellinoone

Probibition well dark mawog sin

B it temembred, that formerly, &c. came E. B. of C. in the Probibition di-County of D. Efquire, Son and heire of I. B. lace of B. in refled to the County of Surrey Efquire, by F. B, his Attorney, and giveth Court of Reto the Court here to be understood, That whereas by the Law quest, for that of this Common-wealth of England, Heires or Executors are not being Heire, chargable, nor ought to be charged, with the payment of any Debts was impleaded of their Ancestors or Testators, whose Heires or Executors they are, there upon a unleffe it be by writing or Bill under Seal of fuch their Ancestors or fimple contrast Testators figned, by which writing, or by which Bill, such like Ance-made in bis fors or Testators have obliged themselves their Heires or Executors, life. to pay and fatisfie fuch their Debts to fuch perfons to whom fuch their Anceltors or Teltators have been indebted : Yet one 1. C. of, &c. not ignorant of the premiles, machinating him the layd E. against the due forme of the common Law of the Land of this Common-wealth of England, unduely and unjuftly to greive, oppress, and trouble, and also the common Law of this Common-wealth of England, to every person of this Nation now of right due to derogate and withstand. and to subvert the due course of right, the third day of December (in such a year) in the Court of Requests, before the Masters of Re quests of that Court, did draw into Plea the fayd E. as Son and Heire of the aforefaid I. B. of, and for a certaine Debt of one hundred pounds to the fand I.C. by the fand I. B. in his life supposed to be due upon a simple Contract, without any Writing or Bill thereof, under the Scale of the aforelaid I. R. in his life signed, and to the aforefaid I. C. as the Deed of the fayd I. B. delivered, by which writing, or by which Bill the aforefaid I B in his life time did bind himfelfe, his Heirs or Executors to pay to the aforefaid I. C. the aforefaid hundred pounds, and unjustly hath bound him the layd E. in the aforefaid Court of Requeffs, before the aforefaid Mafters of Requells of that Court, of and upon the premiles, to appeare and to answer the aforesaid ?. C. thereof, against the Law and Custome of this Common-Wealth of England: And although the aforefaid 1. B. in his life, by any Writing or by any Bill, under the Seale of him the faid 7. B. in his life figned, did not oblige himselte, his Heires or Executors, to pay to the aforefaid 7. C. the aforefaid one hundred Pounds: And although also the same E, the matter aforesaid by him above alleadged, in the aforefaid Court of Requests, before the Masters of Requests of that Court, in his Exoneration of the premiffes aforefaid above alleadged, hath pleaded and hath offered to PLOAC.

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prove the same by unavoidable truth and Testimony, yet the faid Mafters of that Cours of requests, have not admitted that Ples and Allegation, but altogether have alwaies refused . And the aforefaid I. C. notwithstanding the Plea, Allegation, and Proofe aforesaid, with his whole powers doth indeavour, and thereby machinate to condemne him the faid E. of and in the Premisses aforesaid, by the definitive Sentence of the faid Court of Requests, in contempt of the Keepess, of, And the manifelt Damage, prejudice, impoverifhment. and guevance, of him the fayd E. B. and against the Laws of this Common-Wealth of England And this the fame E. B. is ready to aver. as the Court, &c.Whereupon the fame E.humbly complaining prayeth speedy remedy and help of the Court of the fayd Keepers, &c. here, and a Witt of Prohibition of the layd Keepers, Ge. In form of right to be directed to the faid I. C. and to his Councellors, Attorneys, and Solicitors, in this behalfe, whatfoever to prohibit them and every of them, least that they or any of them in the cause aforefayd, in any wife touching the Premisses, may presume in any thing further to Mafters of Requelts of that Court, and to attempt any thing more in that behalf, in the aforelaid Court of Requells, which may any wife accrew to the Damage or prejudice of him the layd E. or contempt of the faid Keepers, &c. And it is granted to him, &c. M. 3. 74c, Ret. 1654. person of this Mation now of right due to de

Councellors, Accorneys, and Solicitors, in this behalfe whatfoever, greeting, it is shewed to us in our Court, before our fustices at VVestminster, on the behalfe of Thomas Sholey of VVakefield in the County of Tarke, Chapman, that whereas in the Seatute in the Parliament of our Lord Henry the third, late King of, England at W. in the County of Middlefex, in the nineth years of his Raigh, held a-mongst other things, it is ordained and established by Authority of the same Parliament, that no free man may be taken of Imprisoned or Diffeized of his Free hold or liberries, or of his free customes, or outlawed, or banished, or any waies deferoved, neither the Lord the King thould go upon him, nor should passe upon him, except by the lawfull Judgment of his Peers, or by the Law of the Land, as in the same Statute more fully is contained: And whereas also all and fingular pleas of Debr, upon any contracts or fales of any Merchandizes, by any one of our Subjects, or the Factors of any of them made, within this Kingdome of England ariling, and the Cognizances of their Pleas to Us and Our Kingly Crowne thecially belonging and patraining, and by the Lawes of the Land of this Kingdome of England, in Our Courts of Record before Us or Our Juftices, and nor in the Court of Requells before the Masters of Requests of that Court ought to be tryed, de STOTE

termined and decided, and alwaies hitherto ought and have been acenflomed. And whereas the same TOS. Subject of the faid now Lord the King, and free man of this Kingdome of England, now is and to by the whole time of his life time now past hath been, and by reason thereof, ought to have and injoy all and fingular the liberties and free Customes of this Kingdome of England hitherto for any our Leig People, and of our Progenitors, the Kings and Queens of this Kingdome of England, used and approved, yet one M. B. of w. in the fayd County of T. Clothier, not ignorant of all and fingular the Premisses, notwithstanding devising and maliciously intending, not only unduly to oppreffe, grieve, and crouble, him the faid T. and against the form and effect of the Statute aforelaid, and the cognizance of the Plea, which to us and our Kingly Crown, and not the aforefaid Court of Requests any wife pertaineth and belongeth. and to another determination in the aforefaid Court of Requests to draw, and by that meanes to difinherite us and our Kingly Crown. and to spoul and wholy deprive the faid Thomas, or any other our Subjects of the Customes of this Kingdome of England aforefaid and the Issues and Profits which may belong to us, for the tryals and examinations of all and fingular Pleas of Debt of our Subjects in our Courts aforefaid, to be had and done to our Kingly Crown, pertaining and belonging to adnull. The Complainant hath drawn him the favd T.S. into Plea in the aforelaid Court of Requelts, before the Mesters of Requests of that Court for detaining and not paying of fifty Pounds and ten hillings, as the fame M. hath affirmed to be due by the same T for divers peices of Woollen Cloth, bought of the aforesaid Matthew, by one 7. S. by the said M. supposed to be Factor of him the faid T. to the use of him the said T. by a certain Bill by him the layd M. In the fame Court of Requelts, against the same T. lately exhibited, warily and inbtlely complaining and supposing against him the sayd Thomas, by his same Bill, amongst other things, in the same Court of Requests, that whereas the aforefayd My using the occupation of the buying of Woollen Cloth. in the parts of Torkel and felling of the tame at Blackwell-Hall in the City of London's And whereas the fame M. labouring in the fame Occupation, and getting his living in or about the Moneth of W. then last past, had bought and carryed to Blackwell-Hall aforefaid; five peices of cloth called Broads, and there had fold the fame for the Sum of twelve Pounds and ten shillings, whereof was satisfyed to him twenty shillings only by one G. S. who was noted and commonly known to be Factor and Actor, of and for him the faid T. S. And whereas alfo afterwards (that is to fay) in the Moneth of ? laft past, the faid M. had carryed to Blackwel-Hall the aforesaid fifteen peices of Cloth called Broads, and three Cloaths called Kerfeys of a mixt colour, and there had fold the same to the faid G. S. for the 146

Sum of two and forty Pounds, whereof the faid 6, bad payd in the hands of the faid M. facty fluilings, leaving the refidue unpayde And whereas allo both of the aforelaid Sales, were made to the faid G. S. as Factor of the laid D. and to his use, and the same Cloaths or Moneys from thence ariting, came to the hands or use of the same T. And by the same Bill thewing that notwithstanding he had so received or mere to receive the Mony and many of the fame Cloaths. and then having the rest in his hands or custody, the same T. then refuled to pay to the faid M, the faid leverall Sums, for the Cloathe aforelaid due, as by the same Bill before the Masters of Requelts in form aforefaid exhibited, and there remaining amongst other things. more fully appeareth, whereas in truth the aforefaid feverall peices of Cloth, by the aforelaid G. of the faid M. in form aforelaid, feverally bought, if any were bought, they were bought by the faid G. to the proper use of him the faid G. and not to the use of him the fayd T. And whereas in truth the faid G. never was Factor or Actor of the faid T. in that behalfe, nor ever authorized or commanded by the laid T. to buy of the faid M. the aforefaid feverall peices of Cloth, nor any of them, nor the Moneys from thence ariling, ever came to the hands or Possession of him the faid T. as the same M. by his Bill aforefaid hath falfly supposed, and the same at the day for his appearance by the fayd Court of Requests prefixed in the fame Court to appeare, and to the fame M, of and upon the Premiffes to answer, was forced and compelled; And although neither of the parties aforefaid, (that is to fay) Neither the fame T. S. nor the faid M. B. at the time of the exhibiting of the Bill aforefaid. in the aforefaid Court of Requelts, or ever before or afterward hitherro were, nor yet are of the Hospitall of the faid Lord the King, nor grieved with any poverty: And although also the aforesaid cause of complaint in the Bill aforesaid contained and specified by the Laws of the Land of this Kingdome of England, and not by the censures of the atorelaid Court of Requelts, in any manner ought to be tryed, examined, or determined: And although also the same T. S. all and fingular the Premisses, by him above in this behalfe fuggested and alleadged in the aforesaid Court of Requests, before the aforelaid Milters of Requelts of the fame Court, in his discharge, of and upon all and fingular the Premisses, by the said M. against him the fayd T. above as aforefaid required, against him the fayd M. hath often pleaded and alleadged, and hath offered to prove the same by unevitable truth, yet the said Masters of the Court of Requests, that Plea, Allegation, and Proofe, have wholy refused, and vet do refule: And the aforesaid M. doth indeavour, and thereby threaten with his whole power, to compell him the fayd T, by the definitive Sentence of the fayd Court of Requests, of and upon the Premisses to condemne and to pay the aforesayd Sum of fifty Pounds and

and ten thillings to the faid M. in contempt of us and of our Laws. and the manifest Damage, projudice, grievance, and impoverishing of him the faid T, and against the form and effect of the Common Law and Statute aforefaid: We therefore being willing to maintain the Laws and rights of our Crown as we are bound in the Bond of an Oath, and being unwilling our leige people with delays against the fame to be hurt; we command and firmly minimyou and every of von that the aforefaid T. in any wife, before the faid Mafters of Requelts, on any of them be further drawning Plea neither any of you, draw or cause to be molested, not any of you cause to be molefted, neither in the cause aforesaid; in the aforesaid Court of requelts, you further proceed or prefume to proceed neither attempt or prefume to attempt, any thing more therein, which may any wates accuse to the hurt of our Crown and Dignity, or to the damage, preindice, or grievance of him the faid T. S. And if any thing therein by you or any of you shall be attempted, you cause that as much as in vouis without delay to be revoked : Witneste E. Coke at Westminfer the one and twentieth day of June, in the eighteenth year of an Leannilland but bely store were wed and rechlored an

P. Clark Recton of the panish Church of W: in the County a Probibition to foresaid, was attached to answer as well the Lord the King, as be discharged 1.T: of a Plea, wherefore he followeth his Plea against the faid I: T: of Tythes for a in the Cours of Christianity, against a Prohibition of the faid Lord the Limehill. King, &c: and whereupon, &cc. doth complaine, that wherewithe fame I: now hath, holdeth, occupieth, and by fix whole years and more now last past, hath held, and occupied Eight acres of Land with the appurtenances, called B: and one Furnace called a Lymekill, in the fame eight acres of land by the whole time aforfaid being and by the aforefaid lix years and more now last past, by his great pains and labour, out of the Earth in W: aforefaid, hach Digged, Extracted, and prepared fit Rones in the furnace aforefaid to be burned for making of Lyme thereof, and with his like great Cofts and labour, hath put those from Prescription so digged, extracted, and made ready on a heap, upon, and about the for to be dis-Furnance aforefaid, and at his great Costs, with wood and heath charged of Ground and other things combustible, bath burnt for the better ma Tythes of flones king of the Lyme thereof for necessary use of buildings and structures dug out of the carth by labour of houses and Walls, and for the inriching of such Lands whereupon and costs, and the Lyme shall be disperced, fon the maintenance of tilling, and for in-burnt into create of Houses, Grains, and Subsistance and maintaining of his Food Lyme, and of to the use and profit of this Kingdom of England, and whereas also Lyme of the the Tythes of such stones digged up and Extracted out of the Earth and of whatwith such labour and Costs, and burnt and converted into Lyme, or of foever mine-Lyme made out of fuch like ftones, or of whatfoever mineralls or other valls or other things digged outof the Earth within this Kingdom of England by things dug out

the of earth.

the Law of this Realm of England, ought not or were used to be oxid or centred but all and fingular person andperson burning and converfuch Lyme have remained Free, quiet, and acquitted, and by the Law of this Kingdome of England, have been and ought to be free, quiet . and acquirted, yet the taid R. P. not ignorant of the premisses, deviling. &c. the Lord the King &c. to Difinherit, &c. defiring to draw him the faid I I into the Court of Christianity, before, &c. of and for taking away and not paying of the Tithes of the Lyme of the Figureeaforelaid by him the faid T. B. burnt in the Moneths of March, Go. or in every more, one, or any of those Months, did craftily and subtiffy implead in the same Court of Christianity by declaring against him the said I. T. that from ten, twenty, thirty, or, years last past, and also time out of mind within the Parish of W. aforesaid there hath been and was a certain manner use and laudable costome and manner of paying tithes for tithes of Lime, (that is to fay,) That every Parochian or any other, having any furnaces of Lyme, or Furnace within the bounds and limits and titheable places of the parish of W. aforefaid, and in the fame Furnaces burning and making of Lyme, or making and uting to burn and make any Lime, were used and accustomed to pay of every Fornace after the Lyme of the fame Furnace was burnt to the Rector of the Church aforesaid, for the time being, two hogsheads of Lyme. for, and in the name and place of the tithes of the Lyme of fuch Furnance there burnt and made and that the afore aid I.T. in the Months and year aforefaid; or every one more or any of those Months, had three Furnaces of Lyme within the Parish of M. aforefaid, in which he burnt and made Lyme to his use; and had at every burning and making of fuch Lime of Every Furnace, a hundred hogheads of Lime, every Hogshead thereof, of the price of fix shillings and Eight pence, and that part did Declare in every number of Hogheadsof the Lime aforefaid. and in every leffor or greater Sum or value, to juch and fo great a numben fum or value, as, and how much in the Event of this fuit will be proved. And that the aforesaid I. T. payd nothing for the tithes of Lyme to the Rector aforesaid or his Deputy in that behalf, in the Months and years aforefaid, or every, more one or any of those Months neither compounded with him for the fame ; but againft, and constary to the Will and confent of him the faid Rector, wickedly and unjustly hath taken , substracted, and had, all and singular such like tithes, and to his own use applyed, and him the said I, into the Court, or, by occasion of the Premistes, unjustly hath bound to appearand to answer to the faid R, of and upon the Premiffes, and although the same I. T. the said matterabove expressed for his discharge of the payment of the Tithes of Lime in the aforesaid Court of Christianity, before, &c. in Form aforefaid, required against the same, R. hath pleaded, and hath offered to prove the same by unevitable Testiomny

mony and Truth ; yet the fame Judge, &c. the Plea, &c. bath refused. and the aforesaid ?: doth indeavour with his whol powers, to condemn him the faid I: T: by the definitive sentence of the faid Court of Christianity, of, and upon the premisses and the tithes, de To pay, &c. and thereby, &c. to the manifest Damage, prejudice. greivance, and against the Form of the Law of this Kingdom of England and although the same I. T. (Such a Day and year) at W. 2foresaid did deliver to the said R. a Writ of Prohibition of the faid Lord the King, to him to the contrary thereof, yet the faid hath not ceased further to follow that Plea, but hath further prosecuted the fame in the aforesaid Court of Christianity, notwithstanding the aforefaid Writ of prohibition to him to the contrary therof directed in contempt of the faid now Lord the King, and greivous Damage of the faid, and against the prohibition aforesaid, whereupon he faith, that he is damified, &c.

ND the faid Defendant, by, &c. when, &c. And all contempt, Bar in probibi-ND the faid Derendant, by, &c. when, &c. This is the tion that of and what loever, &c. and faith, that he did not profecute in the tion that of lyme burnt to aforesaid Court of Christianity, after the Prohibition of the faid now befold tithes Lord the King, to him in the contrary thereof delivered, as, &c. And are to be payd of this, &c. likewife. And for the Writ of the faid Lord the King of and averment consultation in this behalt to be had, the same R. saith, which hath, the Lyme was holdeth or occupieth any surnace or any surnaces of Lime within the Pa- burnt to be rish of W. aforesaid, or bounds, limits, or titheable places of the same Pa- verse the Prerifh & burneth the frones in the same furnace or furnaces for the making ferition. of Lyme thereof, and the Lyme thereof doth make to fell for his own proper gain and commodity thereof to be made, and from the time of the contrary, whereof the memory of men is not Extant, payeth and rendreth, and hath accustomed to pay and render of every Furnace of Lime after the stones in the same Furnace were burnt, and the Lime thereof was made to the Rector of the Parish Church aforesaid, or to his Farmor or Deputy of that Rectory, the fithes thereof, for the time being two Hogsheads of Lime for tithes, out and of the Lime of every such Furnace there so made, and the same R. further faith, that the Lime aforesaid whereof the tithes by him in the Court of Christianity aforesaid demanded, was made of stones by the aforesaid I. T. who &c, iin the year of our Lord, 1612. abovefaid, in his Furnace a orea faid for the making of the lime thereof burnt with that intention to fell the same lime to any person or persons whatsoever, willing to buy the same, for the proper gaine and commodity of him the sayd I thereof. to be made, and afterwards in the same year by him the sayd I. was fold for great sums of Moneys thereof comming, above and besides the cost and labour of him the sayd I. in burning and making that Lime expended, to the great gaine, commodity, and profit of him the fayd I. And because the asoresaid I. T. who, &c. the Tythes out of the:

the Lyme aforefaid, by him the fayd I. in his Furnace aforefaid, in form aforefaid made, in the year of our Lord, and the moneths aforefaid, to the fame R. then and yet Rector of the Parish Church aforefaid heing, did resuse to pay, and did substract the Tythes to the same R, belonging; the same R, the aforesaid I. T. who, &c. of and for the substraction, and not payment of those Tythes in the aforesaid. Court of Christianity, before the profession of the aforesaid War, of Prohibition, did draw into Plea: As, &c. Without this, that all and singular person or persons, burning and converting such stones into Lyme, from the time of the contrary whereof, the memory of men is not extant, from the payment of Tythes for such like Lyme, free, quiet, and acquitted, have remained and continued; as, &c. And this, &c. Judgment and a Writ of consultation of the sayd Lord the King in this behalfe to be granted, &c.

The Plaintiff demures in A N D the aforefayd J. T. as to the aforefayd Plea of the aforefayd A R. as to the substraction and detaining of the Lime aforefayd above, for consultation thereof to be had, pleaded, saith, That the aforefayd R. by any thing by the aforefayd R. in the same Plea above pleaded, alleadged the Writ of the sayd Lord the King of consultation thereof to have, ought not, because he saith, That that Plea in manner and forme aforesayd pleaded, and the matter in the same contained, is not sufficient in Law to have the Writ of the sayd Lord the King, of consultation thereof; and that he to that plea, in manner and forme aforesayd pleaded, hath no need, neither by the Law of the Land is held to answer: And this, &c. Whereupon for want of the sufficient answer of the sayd R. in this behalfe, the same I. prayeth sudgement and his damages by reason of the premises to be adjudged unto him, &c.

A N D the afore and R. P. out of that which he hath above alleadged fufficient matter in Law to maintaine the Writ of the layd Lord the King of confultation against the afore and I. T. to be granted to him, which he is ready to aver; which sayd matter the sayd J. hath not denyed, neither hath answered any thing to the same, but altogether refuseth to admit that averyment: The same, R. as formerly, prayeth sudgement, and the Writ of our sayd Lord the King of Consultation to be granted to him, &c. And because the suffices here, &c. day is given, &c.

TO THE STREET WELL BY THE PROPERTY OF STREET, STREET, STREET, STREET, STREET, STREET, STREET, STREET, STREET,

Partition.

A Nebony Cooke Knight, in mercy for many defaults, &c.

The same Anthony, and Thomas Wootton Esq; were summoned Regine, Rot. to answer Peter Temple Gentleman, of a Plea, that whereas 922. they the sayd Peter and the aforesaid Anthony and Thomas, too gether and undivided, do hold to them and their Heires the Mannor of Dasses, alias Dorset, with the appurtenances: They the sayd Anthony and Thomas, that Partition may be made thereof between them, according to the forme of the Statute in that case published and provided doe deny, and the same most unjustly permit not to be done, against the forme of the Statute aforesaid, &c.

ND whereupon the fayd Peter by T. L. his Attorney fayes, that Awhereas hee and the aforesaid Anthony and Thomas, together and undivided, do hold to them and their Heires, the Mannor aforefaid with the appurtenances, whereof unto him the fayd Peter and his Heires, it belongs to have one part of the Mannor aforefaid with the appurtenances, in three parts equally to be divided; and unto the aforefaid Anthony and his Heires, it pertaines to have another part of the same Mannor with the appartenances, in three equall parts, as is aforefaid to be divided : And unto the aforefaid Thomas and his Heires it pertaineth to have a third part of the residue thereof; to hold to them in feveralty; fo that the same Peter of his part of the Mannor aforesaid with the appurtenances to him belonging : And the aforefaid Anthony of his part of the Mannor aforefaid with the appurtenances to him thereof belonging, may be able severally to apart to themselves; they the sayd Anthony and Thomas to make partition thereof between them, according to the forme of the Statute in that case made and provided, do deny, and the same most unjustly permit not to be done, against the forme of the Statute aforesaid: whereupon he fayes he is damnified, and hath damage to the value of an hundred pounds, and thereupon he brings his Action, &c.

A ND the aforesaid Anthony by W. S. his Attorney, and the aforefaid T. W. in proper person come and defend the force and injury, when, &c. And the same Anthony sayes, that partition between him the sayd Anthony and the aforesaid Peter and Thomas Wootton, of the Mannor aforesaid with the appurtenances ought not to be made, because he saith, That long before the sayd Peter had any thing in the same Mannor with the appurtenances, one E. Belknapp Knight, was seized.

feized of the Mannor aforesaid with the appurtenances, in his Demelne as of Fee : and the aforefaid E, being fo thereof feized of fuch his Estate dved thereof feized without any Heires of his body iffuing After whose death, the Minnor aforesaid with the appurtenances, did discend unto one Mary Dannet widow; as to one of the Sisters and Heires of the fame Edward Belknapp, and to them the fayd Anthony and the aforefaid Thomas Wootron, as to the Gozens and Co-heires of the aforefaid E. that is to fay, to him the fayd Anthony, as to the Son and Heire of John Cooke Ela; Son and Heire of Elizabeth, another of the Sifters and Co. heires of the aforesaid E. B. And to the aforesaid Thomas, as to the Son and Heire of Edward Wootton Knight, Son and Heire of Anne, another Sifter and Co-heire of the aforefaid E. B. Knight, by which the same Mary Dannet, Anthony, and Thomas, in the Mannor aforesaid with the appurtenances did enter and were thereof feized in their Demesne as of Fee, and they the faid Mary, Anthony, and Thomas, fo being theteof leized, the aforesaid Mary, long before the aforelaid Peter had any thing in the Mannor aforelaid with the appurtenances, or one moiety of her third part of the Mannor aforefaid with the appurtenances, thereof belonging to her the faid Mary did infeoff one Daniell her vounger Son, to have and to hold to him the faid T. D. and his Heirs, for ever; by means whereof the aforefaid T. D. was feized of the aforesaid one moiety of the faid third part of the Mannor aforesaid with the Appurtenances, to her the said Mary belonging in his Demelne as of Fee, and the aforefaid Mary of the other Moiety of the faid third part of the Mannor aforefaid with the appurtenances, to her the faid Mary thereof belonging, in Form a forefaid, being feized of such her Estate, dyed thereof leized, after whose Death the aforefaid other Moiery of the faid third part of the Mannor aforefaid with the appurcenances, to her the faid Mary thereof belonging, did discend unto one Leonard Dannet as to the Cofin and Heir of the aforesaid Mary, that is to say, to the Son and Heir of I. D. Son and Heir of the aforesaid Mary, by means whereof the aforesaid Leonard Dannet into the aforesaid other part of the Moiety of the said third part of the Mannor aforefaid with the appurtenances, to her the faid M. thereof belonging did enter, and was thereof feized in his Demelne as of Fee. The ftate of which faid T. D. and L. D. of and in the aforefaid third part of the Mannor aforelaid, to her the faid Mary thereof belonging, the same Anthony now hath, and had in the same the aforefaid Day of iffuing forth the originall writ of the aforefaid Peter. without that, that the aforefaid Peter and Thomas Wootton, and the fame Anthony held together and undivided, or the Day of the iffuing forth of the Originall Writ of him the laid P. Temple, did hold the Mannor aforefaid with the Appurtenances, as the fame Peter by his Writ and Declaration aforesaid hath above supposed, and this he is ready to aver, whereupon he demands Judgment, whether Partition ought

ought to be made between him and the aforefald Trees and T: Wootten, of the Mannor aforefaid, with the Appurtenances Oc.

N D the aforesaid T. W. sayes, that he cannot deny the Action 2foresaid of the said Peter, but that he and the aforesaid Anthony, and Peter do hold, and the day of the iffuing forth of the original Writ aforesaid, did hold the Mannor aforesaid with the appurtenances together and undivided, nor but that partition thereof between him and the aforesaid A. and Peter in Form aforesaid, ought to be made. and well alloweth that partition thereof between them in Form above declared be made, but the Judgment thereupon is to cease and be respited, untill the Plea aforesaid between the faid Peter, and the aforefaid Anthony be determined, &c.

ND the aforesaid Peter as to the aforesaid Plea of the aforesaid Anthony above in bar pleaded, fayes, that he by any thing in the fameplea before alleadged, ought not to be debarred from having partition made between him and the aforefaid Anthony and T. of the Mannor aforesaid with the Appurtenances; because he saith, That he and the aforesaid Anthony and Thomas Westton, the aforesaid day of the iffuing forth of the original Writ of him the laid Peter, to wit the tenth Day of October, in the seventh year of the Queens Raign, did hold together and undivided, the Mannor aforefaid with the appurtenances, as he by his Wat and Declaration aforesaid, hath above supposed, and this he prayes may be inquired of the Country, &c. and the afore aid Anthony in like manner, therefore Command is given to the Sheriff, that he cause to come here, twelve, 60. of the frager of this city provided ag

Eic. f. I. Tamworth Efquire, was fummoned to answer, H. T. Partition beand C. T. of a Plea, that whereas they the faid H. C. and I. to- tweene heires gether and individually do hold twenty Messuages, &c. with the ap- in Gavelhind. purtenances of the inheritance which was Gr: T. Efguire, Father of the afore aid H. 6. and I. whose Heirs they are, in H. the faid I. dorn deny to make partition thereof between them, according to the Law and custome of this Common Wealth of England, and unjustly doth not fuffer the same to be done, oc. and whereupon, oc. They say. that whereas they the faid H. and C. the Son, and I, together and individually do hold the Tenements aforefaid with the Appurtenances of the inheritance, which was of the aforefaid C. the Pather, whole Heirs they are, in that, that the Tenements aforesaid with the Appurtenances, are, and from the time of the Contrary, whereof the memory of men is not extant, were within the Socage of R. in the Conney aforefaid, and that all the Lands and Tenements which are within the same Socage are, and from the whole time aforefaid were of the nature

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sure and teners of Gavelkind, and thre all the Lands and Tene. and according to the Custome in the same Socage, time out of mind were used to be parted, and partible between the Heirs males by the whole time aforefaid whereof did belong to him the faid H. and his Heirs to have one part of the faid Tenements with the appurtenances in three Equal parts to be divided, and it belongern to C. the Son and his Heirs to have the other part of the fame Tenements with the appurtenances in three Equall parts as aforefaid to be divided. and it belongeth to the the fuid I, and his Heirs, to have the third part, refiduc thereof to be held by them in feveralty, to that the aforefaid H. of his part belonging to him the faid H. of the Tenements aforefaid with the apourtenances and the aforelaid C. the Son of his part belonging to him of the same Tenements with the Appurtenances, and the aforesaid 1. of the Refidue of his part belonging to him the said 1. of the Tenements aforefaid with the appartenances, may feverally appare them elves, the aforefaid I. doth deny to make Partition thereof between them, according to the Law and contome of this Common-Wealth of England and unjustly doth not fuffer the fame to be done. 66

Partition between Joynthe part of the Plainiff is onthe residue.

1 7 8. 7. H. E.C. J. W. T. L. E. D. and 9. his Wife, R. R. and V 3 his Wife, and 7. F. were summoned to answer E. L. of 2 tenants, where Pleas shae whereas they the fame E. VV. 7. E. C. T. E. D. and 7. his Wife, R. B. and J. his Wife, and J. F. together and individually ly fevered from do hold, fixty Acres of Wood, and fifty Acres of Heath-ground and Fors, with the appurcenances in E. they the faid Defendants do deny, to make Partition thereof between them, according to the form of the Statute in this case provided, and unjustly do not suffer the fame to be done, and against the form of the Statute aforefaid, &t. And whereupon the fame Plaintiff by D. his Attorney fayth, That whereas he and the aforesaid Defendants together, and individually do hold, the Tenements aforefaid with the Appurtenances, whereof to him the faid Plaintiff belongeth, to have the fourth part of the Tenements aforefaid with the Appurcenances, in four parts to be divided, and the thirteenth part of the aforefaid three patts, relidue in thirteen parts to be divided . And to the aforefaid Defendants belongeth, to have the refidue of the Tenements aforefaid to be held by them in severalty: So that the said Plaintiff of his aforesaid fourth part, and thirteenth part belonging to him the faid Plaintiff. of the Tenements aforefaid with the Appurtenances, and the aforefaid Defendants of the refidue of the Tenements aforefaid thereof belonging to them, may feverally appart themselves, they the same Defendants deny to make Partition thereof between them according to the form of the Statute in fach case provided, and unjustive

do not fuffer the fame to be done: And against the form of the Seatute aforefaid, &c. Whereupon he fayth that he in worked and bath Damage to the value of twenty Pounds, and thereof he bringeth the Suit. &c.

ND the said W. B. &c, by S. their Attorney, and the aforesaid Default by 7. F. by D. H. who is admitted as Guardian of the faid 7 : F. some not inforby the Court of Common Bench here, to prosecute for the said I. Guardian for F. being within Age, came, and they defended the force and injury ones when, &c. And the same Attorney fayth nothing in Bar of the Action aforefaid, of the faid Plaintiff, by which the same Plaintiff remaineth against the faid W. B. &s. thereof undefended : And the store faid Guardian fayth, That he is not informed by the aforefaid V. F. of giving any answer for the same 7. F. to the said Plaintiff, in the Plaint aforefayd, and fayth norhing else thereof, by which the faid E. L. remaineth against the aforesayd I. F. thereof undefended Therefore it is considered of that the Partition between the faid Plaintiff, and the aforesaid Defendants, of the Tenements aforesayd with

the Appurtenances, may be made, &c.

And it is commanded to the Sheriff, that in his proper Person he come to the Tenements aforefaid with the Appartenances, in the presence of the parties aforesaid, by him the said Sheriff to be warned, if they will be present in the Tenements aforesaid with the Appurtenances, by the Oath of honest and lawfull men of the County aforefavd, respect being had to the true value of the same Tenements with the Appurtenances, in four equal parts to be parted. and three parts thereof into thirteen equall parts to be parted, and one part of the same four parts, and one other part of the same thirteen parts, of the same Tenements with the Appurtenances to the faid Plaintiff, and the residue of the Tenements aforesaid with the Appurtenances to the faid Defendants, he cause to be delivered and affigned to be held in feveralty, fothat neither the aforefaid Plaintiff, nor the aforefaid Defendant, have more then to them belongeth to have: And that the aforefaid Plaintiff, of his parts aforefaid. belonging to him the layd Plaintiff of the Tenements aforefaid with the Appurtenances: And that the aforefaid Defendants of the relidue of the Tenements aforelaid with the appurtenances thereof belonging to them, may feverally appart themselves: And be have here that Partition by him the fayd Sheriff, distinctly and openly fo made (fuch a day) under the Seal, &c. And the Seals, &c. The same day is given to the sayd parties there, dr. Mich. 8. 9. Eliz. Rot 1844 ... Den gram tel 6de romanten el porte beniblion au lene elle Heiro, his and twenty fail, and on one wholewear of seattle

Foult di S. ver Alichaeil the Arch-Accell (Such a year) being-in Solar of the sale of Xie stote an Sales. do not fill to the film to be a total and confidential and a film of

The entry of a SAlop. f. It is granted by the Court, that H. D. may profecute for warrant for a Sq. F. who is within age, against E. L. of a Plea of making Par-Guardian. tition, &c.

2366623332333333

Rescue.

C. lately of B. in the County of E. Yeoman, and W. B.

Ebor. s.

A Declaration
in Refoue.
Hill. 10 Eliz.
Regine Rot.
841.

lately of B. in the County aforefayd, were attached to answer ?. C. Knight, of a Plea, that whereas he the faid I. in his Fee at B. for Customes and Services to him due. by Nicholas T. his Servant, had caused to be taken certain Cattell and the same Cattell according to the Law and Custome of the Kingdome of England, would have there Impounded, the fayd W. and W. the same Cattell by force and armes did rescue, and other Enormities to him they offered, to the great Damage of him the faid I. and against the peace of our Lord the King that now is : And whereupon the favd I, by I. VV. his Attorney, complaines, that whereas he (Such a day and year) in his Fee at B. that is to fay, in a hundred acres of Land called VV. parcell of the Mannor of B. with the appurtenances, in the County aforesaid, which T. B. then held of him the fayd I. as of his Mannor of B. in the County aforesaid, by Homage, Fealty, and unto Efcuage of our Lord the King, of forty shillings, when it shall happen, two shillings, and unto more more, &c. And unto leffe leffe, &c. And by the Rent of five and twenty shillings each year, at the Feast of Saint Michaell the Arch-Angell to be payd, as also by the Service of doing Suit to his Court of VV apentage, of H. in the County aforesaid, from three weeks to three weeks, at the Wapentage aforesaid to be held, and by the Sheriff-gild of five shill lings every year, at the same Feast of Saint Michaell the Arch-Angell, yearly to be payd; of which fayd Services the fayd I. was Seized by the hands of the aforesaid T. as by the hands of his true Tenant, that is to fay, of the Homage, Fealty, Suit of Court aforesaid, as of his Fee and Right, and of the Bscuage and Rent aforesaid, in his Demesne as of Fee, by the aforesaid N. T. his Servant, did cause to be taken certain Cattell, that is to fay, two Cows, feeding upon the aforefaid hundred acres of Land, for the Customes and Services to him due and unperformed, that is to fay, for the Homage and Fealey, and for the Rent of five and twenty shillings for one whole year, ended at the Feast of Saint Michaell the Arch-Angell (Such a year) being in arrear, as also for the Suit of the aforesaid Court of VVapentage, held

held jat H. aforefaid (Such a day and year) undue : And the fame N. the fame Cattell, according to the Law and Custome of the Kingdome of England, there would have Impounded, they the fayd VV. and VV. the aforesaid Cattell, the day and year aforesaid, at B. aforefaid, by force and armes, that is to fay, with Swords, Staves and Knives, they did rescue, and other harms, &c. And against the peace, &c. Whereupon he sayes that he is damnifyed, and hath Daniage to the value of ten Pounds, and thereupon he brings his Action.

N D the aforesaid VV. and VV. by H. D. this Attorney, comes Not guilty and defends the Force and Injury, when, &c. And the aforefaid pleaded by one VV. fayes, That he is no wife guilty of the Trespasse and Rescue a of the Defendants, and forelayd, as the aforelayd I. C. hath above declared against him: Non Tenure And of this he puts himself upon the Country, and the aforesayd I. by the other, in like manner: And the fayd VV. B. as to the coming by Force and Armes, fayes, That he is no wife thereof guiky: And upon this he puts himself upon the Country, and the aforelayd I. in like manner: And as to the refidue of the Trespasse and resque aforesayd above supposed to be done, the fayd VV. B. sayes, That the aforesayd I. ought not to have against him his aforefayd Action, because he sayes. That the aforesayd T. B. held not of the aforesayd I. C. the aforesayd hundred acres of Land, as of his Mannor of B. aforefayd, by the fervices aforefayd, as the aforefayd I. by his Declaration aforefayd hath above supposed: And of this he puts himself upon the Country. and the aforesaid I in like manner: Therefore as well to the trying of this Iffue, as the aforefayd other Iffue above joined, Command is given to the Sheriff, that he cause to come here fifteen dayes after Easter, twelve, &c. to Dellani Alla mounts and Jack

ex maganificant many sauthory and many entrance bout T. lately of &c. was attached to answer Francis Earle of Cumberland, of a Plea, wherefore M. S. the Daughter and Heire of C. S. being within age, whose marriage belongeth to him the fayd Earle at Crome found, he did force and lead away against the will of him the fayd Earle, and against the peace of our Lord the King that now is : And whereupon the fayd F. Earle of Cumberland by M. E. his Attorney, complaines, that whereas the aforefayd E. S. Father of the aforefaid M. did hold of him the fayd Earle, as of his Mannor of Loundosbroughe, in the County aforefaid. one Meffuage, one Garden, one Orchard, and forty Acres of Land, with the appurtenances, in C. aforesaid, by Homage, Fealty, and unto Escuage of our Lord the King, when it shall happen, unto forty shillings, two shillings, and unto more more, &c. and unto leff leffe

Ebor. ff.

er, and by doing fervice of Suit unto the Court of the favd Earl of his Mannor aforefald, from three weeks to three weeks, at that Mannor verely to be held, of which fervices the fame Earle was feized by the hands of the aforefaid C. the Father, as by the hands of his true Tenant, that is to fav. of the Homage, Fealty, and Suit of Court aforefavd, as of his fee and right; and of the bicuage aforefaid in his Demelhe as of Pee . And he the fayd C. the Father dyed in the Homage of him the favd Earl (the aforefaid M. Danghter and Heire of him the fayd C. being then within age) by which the marriage of that Heire unto him partained: And the same Earle was long in full and peaceable feifin of the fayd Heire, that is to fay, from (such a day and yeare) to (fuch a day and year) aforefaid, and the fame day and vear aforefaid, the favd Heire being within age at (. aforefaid found, he did force and lead away, against the will of him the fayd Earl, and against the peace of our Lord the King that now is : Wheremoon he fave, that he is damnified, and hath damage to the value of fix hundred pounds, and thereupon he brings his Suit.

Ebor. ff. A Declaration in Ravishment of Guarde, Trin. 19 Eli; 1105.

Note that the Writ was the Husband and wife, and the Sheriff returnes, that the woman was dead before the Writ purchased.

T. lately of H. in the County aforesaid Husbandman, was at-I tached to answer Henry Tempest Esq; and Ellen his Wife, of a Plea wherefore he, together with . his Wife F. S. the Son and Heir of F. S. being within age, whose marriage belongs to them the favd H. Regine, Rot, and E. at C. being found, he did force and lead away, against the will of them the layd H. and E. and against the peace, &c. And whereupon they the fame H. and E. by R. G. their Attorney, complaine, that the aforesaid F. S. the Father, was seized of five Meffuages, a hundred Acres of Land, &c. with the appurtenances, in C. and brought against S. in his Demeshe as of Fee, and the same held of them the said Henry and &. as of their Mannor of C. in the County aforefaid, whereof they the same H. and E. in right of the same E. were seized in their Demeine as of Fee, by Homage, Feaky, and unto Escuage of our favd Lady the Queen, of fixty hillings, when it should happen to twelve pence! And unto more more, or and unto leffe leffe; oc. and by the rent of twelve pence every year, at the Feasts of Pentecost and Saint Martin the Bishop in Winter, by equal portions to be payd. as also by doing fervice of Suit unto the Court of them the fayd H. and E. of their Mannor afore aid, from three weeks unto three weeks at that Mannor to be held : Of which layd fervices they the fayd H. and H. in right of her the layd E. were leized by the hands of the aforefaid F. S. the Father, as by the hands of his true Tenant, that is to fay, of the Homage, Fealty, and fuit of Court aforefaid, as of their Fee and right; and of the Escuage and Rent aforesaid, in their Demelne as of fee: Which layd F. S. the Father, dyed in the Homage of them the layd H. and E. (The aforesaid F. S. the Son and Heire of him the fayd F. S. the Father, then, and as yet being with-

Lepigvin.

in the age of one and twenty years ; by which she colledy and marrizge of him the fayd F. S. the Son, to them the fayd H. and E. in right of her the fayd E. did pertaine : And they the fayd H. and B. the Heire aforesaid (such a day and yeare) into their possession, did seize: Which day the aforesaid T. together with the aforesaid A. his Wife, the aforefaid F. S. the Son and Heire of the favd F. S. the Father, being within age, whose marriage belongeth to them the faid H. and E. at C. aforefaid found, he did force and lead away against the will of them the fayd H. and E. and against the peace of our faid Lady the Queen that now is: Whereupon they fay they are damnified, and have damage to the value of two hundred pounds, and thereapon they bring their fuit, &c.

R. D the aforesayd T. by W. B. his Attorney, comes and defends A Judgement A the force and injury, when, &c. And the same Attorney Sayes, by Non Inform. and a that he is not informed by the same T. his Clyent of any answer for the writ of Inquiaforelayd T. to be given to the fayd H. and E. in the Plaint aforefayd, ry awarded. and nothing other thereupon hee fayes, by which the fame H. and H. bould remaine against the afore and T. thereupon undefended; for which the aforelayd H. and B. their damages, by reason of the force and leading away aforelayd, against the sayd To they ought to recover: But because it is not knowne What damages the afore sayd H. and E. have sustained, by reason of the force and leading away afores ayd: Command is given to the Sheriff, that by the Oath of honest and lawfull men of his Bailiwick be doe diligently inquire what damage the aforefayd H. and E. have suffained, as well by reason of the force and leading away aforesayd, as for their cofts and charges by them about their Suit in that behalfe layd out: And alfo what the marriage of F. S. the fon, according to the true value thereof is worth; and whether the same F.S. be of full age, and marryed or not : And the Inquisition which, &c. the Shar off hall make knowne here in eight dayes after Saint Michael, under the feale, &c and the seales, &c. The same day is given to the aforesayd H. and E. here, great press in the Court Biron of the Lignor aforehild, and were at

enflomed actine Council on the one of the Mandot before the Steer id of chestane Count, for K. was summoned to answer T. H. wherefore he took three Replevin in Tuns, of fix hundred Pound weight, one quarter and four the Detinet pound weight of Iron, of him the fayd T and some of the Goods unjustly hath detained, against Pleadges and Sureties, &c. And whereupon, &c. (Such a day and year) at A. in a certain place called the Hammer-Mill, did take the layd three Tuns, &c. of him the fand T. to the value of fifty pounds, and two Tuns, &c. thereof doth yet unjustly detain, against Pleadges and Sureties, &c. And the

refidue:

refidue of the same Goods, (that is to lay) of : Hath unjustly de rainediagainst Blendges and Succties, pnell, co: Whereupon he layth. And prayeth the delivery of the fame two, orc. to be made to him the layd T. Go. Hill. 5-lac. Rot. 1412.

Tender of ain Replevin.

A ND the fayd H. fayth, &c. The just taking of, &c. ought not mends pleaded LA to avow, becamie he layth, that after the aforelayd time of the taking of the Cattell aforefayd, in the aforefayd place, in which ers. And before the day of the iffuing forth of the originall Writ of him the fayd H. (that is to fay) Such a day and year aforefayd. at VV, aforefayd, he the fame H. offered fix pence to pay to the fayd VV: and I: to the use of the sayd VV: for the Damages of the fayd VV: which he sustained by occasion of the Trespasse aforesayd. with the Cattell aforefayd, in the aforefayd two acres of Land made. which fayd fix pence were sufficient amends for the Trespasse aforefavd, with the Cattell aforefayd, in the fayd two acres of Land made. which fayd fix pence, the aforefaye VV. and I: then and there wholy refused to receive of the same H : And this, &c :

Note.

See Hill 9. Inc. Ret. 1895. A demurrer upon this Plea, for the tender of amends, ought to be preferred before the Impounding to the Party himself, and not to his Bailiff afterwards, and so it is resolved in the Case between Pilkington and Hastings, Coke, L. 5. Fol. 76.

Ave wry in Overfeer chofen in the Court Baren.

A ND the fayd B. &c. when, &c. And well avoweth, &c. Be-Replevin by an a cause he layth. That the same place, &c. doth contain. &c. did contain, &c. in it, ten acres of Land, &c. And that long before the aforefaid time, in which, &c. One R. S. Ela: was Seized of the Mannor of B with the appurcenances, in the County aforefaid, whereof the aforefaid place, in which, &cc. is, and the aforefaid time in which, &cc. And alforime out of minde, was parcell in his Demeine as of Fee, and that the Customary Tenants reliding within that Mannor, from the whole time aforefaid, or the greater number of them, were used to appear in the Court Baron of the Mannor aforelaid, and were accustomed at the Court Baron within that Mannor before the Steward of the tame Court, for the time being, once in every year, to be held, to chuse certain Overseers, of the Lands and Feilds not seperated nor inclosed of the Mannor aforefaid, to keep and preferve the Lands, from all and all manner of Cattell, to the benefit and profit of the Tenants and Inhabitants aforefaid, for one whole year then frest following. And the Overfeer or Overfeers thereof, from the whole time aforetaid; had authority to Impound all manner of Cattell, doing any Damage or Trespalle within the Manner aforefaid, against any order which in the Court-Baron of the Mannor aforefaid, before the Steward of the same Court, for the time being, by the Customery - Tenants

Tenants aforefaid, and cehe are fidence of the manifest or the Bresse number of them I would be taken and agreed upon . And The Tenants and those relidents then in the Court aforelaid, before the Steward of the Mannor aforelaid appearing and all other Customary Tenants and refidents aforelaid, at the Mannor aforelaid, at the election and order aforefeid in form aforefaid to be made and taken were held and obliged to keep the same according cothe Cultome afore faid . And the fame B. fayth, what the aforefaid R being Seized of the Mannor aforefaid with the Appurtenances, in form aforefaid at the Court Baron of him the faid Rv of his Mannor aforefaid held at that Mannor, before the faid time, in which &c. before Hi then Steward of him the faid R. vof his Mannor aforefaid, the aforefaid B. by one T and R. and others, being the greater number of the Cuffomary Tenants, of the Mannor aforefaid was chosen Overfeet of the Lands and Feilds non seperated, nor inclosed within the Mannor aforefayd, for one whole year then next following, and then and there in the same Course by the Customiry Tenants and relidents aforelayd before the Steward afore and in was ordered, that the aforelayd ten acres of Pasture, in which Seconthen in the Fellas nor feperated, for inclosed within the Mannor aforefaid being, thould be kept by the faid B. from all and all manner of Cartely from fuch a Feaft then next following, untill the Haylthere growing should be moved and carryed from thence, with this that the faid 4, will aver that the aforefaid NA-wassene of the Cuftomary Tenants of the Mannor aforefaid. And because the aforesaid Cattell, the aforesaid time, in which, &c. Were in the aforefaid Close, in which, &c. Before the Hay there growing was mowed and carryed from thence, against the Ordinance aforesaid, in form aforesaid made, there then growing, and Damage there doing i the fame B well avoweth the taking of the Catrell aforefaid, in the aforefaid place, in which, &c. And fuffly, &c. Damage there to doing, &c. landa and to That

cond daughter begotten of him th UGHT nor to avow, &cc. because he faith, that the aforesaid R. was feized of the aforelaid ten acres in which, of andndemifed Replication. the fame to the faid N. without this that it was ordered in the aforefaid Court of the Mannor afore and by the Cuffomany Tenants, and refidents of that Mannor, or by the greater part of them, that the aforefaid ren Acres of Land in which, de frould bekept, de bythe faid B. from all Carrell from the Feath, see untill see as, or; And this, Go. Wherenpon out of which . Gran And Isse thereupon, Trin. 198 payable to theraid ? at the faid time in which, e'c, weig Eliz. Rot. 10

WHEN, &c. and L. as Bailiff of I. S. Well avowerb, &c. doth Avomry for contain, &s. whereof one A. S. Centleman before the afore. Rent-charge faid time, in which, &c. was feized in his Demene as of fee, and held made by will. the fame cen Acres of Band with the appurcementes of A. B. of his

Mannor

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15 世紀

lanner of G. In the Courty of archid in face Socrate, ("that is to fay)
y Feeley only, for all Secures, and following thereof forced, the fame
(S. before the aforefail time in which one (that is to fay) ("Such a av and year har W made his tall Wall in Westings, and by his fame without and bequeathed, that the hand of him the faid A. S. not equeathed. Should fland bound, Charged, and obliged with the payto lay) E. S. E. S. the faid I. S. and A. S. for the payment of twenty pounds during the space of eight years; to be begun with his eldell Daughter, and end with his younger Daughter, which faid payments thould being by one whole year, pear after the Death of the aforefaid A. S. which faid Sum of one hundred firmy pounds, the faid A. by his fame Will, willed and bequesthed to his faid four Daughters, iffning out of his Lands aforefaid, and to be payd yearly by twenty pounds as is above faid, and for not payment thereof, that it thould be lawfull to and for his fame Daughters, and every one of them, to enter into his Lands aforefaid or any part or parcell cheseof, and to diffrain, and to keep and detain the Dultreffe and Diffreffes there fo had and taken natilithey and every of them Goold be fally facisfied of the aforefain emorning to the true intent of his last Will aforefaid it was al CIECLES POR water provided by his tame Will, and further the aforefuld A. by his fame last will willed , that if the aforelaid & S. F. S. I. S. and A. S. or any of them thould happen to dye, before any of them thould accompliffs the full age of one and twenty years; her portion to bequest her as aforefaid thould remain and be to G. S. the right Heir of him the faided. S. as in the fame laft Will amongh other things, is more fully contained, and afterwards and before the aforefaid time in which de (that is to lay.) (such a Day and year) at W. aforefaid died of fuch his Elfare, of and in the aforelaid ten acres of Land with the appurtenancesin which, do. feized . And the fame I. S. further faith, that the aforelaid E. S. was the eldeft of the aforelaid . the faid F. S. the fecond daughter begotten of him the faid A. the faid I.S. the ad. daughter begotten of the faid A and the faid Anne was, the last Daughter begotten of him the faid A. And that the aforelaid, ten acres of Land with the appuremances, were not bequeathed by the faid last Will of she faid At and because ewenty pounds of the faid one hundred and facty pounds for one whole year, ended (Such a Day and year) and another twenty pounds of the faid hundred and fixty pounds for one whole year; ended (fuch a day and year) and to the faid I, in the fame verraccording to the true intent of the faid laft Will of the faid A. payable to the faid ? at the faid time in which, &c. were behind unpaid, the fame Defendant as Bailiff of the faid ?. S. well avoweth the taking of the Cattell aforelaid, in the aforelaid place in which, &c. for the lame feverall Sums of twenty pounds to the fame f. S. as as foresaid payable, and to her as a foresaid, being behind as justly, &cc. as

in the lands charges ble, and obliged wish she Districte of her the faid. the faid ?, is yet living and in full life, (that is to fay) at VV. aforefeld &cc.

Trespasse.

M: tadely of Feversham, in the County of Kent Yeoman An astion of was attached to answer unto Maximilian Dansey of a plea Trespass.

wherefore by Force and Arms, the close and House of him Regis. the faid M. at Dover he broke . 80c.

A Nother forefaid Thomas by John Pomersy his Accorny, comes and The Defendant defends the Force and injury when wound demands Judgmene of demands judgthe Writ aforefaid, because he with, that the aforefaid place in which ment of the the Trespatte aforefuld is above supposed to be done, is, and the afore- writ, being sued out of the faid time, wherein, &c. was within the Town and port of Dover, in Cinque-ports. the County aforefaid, which faid Town is, and time out of mind, was one of the Gingue Pores where the Writ of our Lord the King is not of Force; and this he is ready to aver, whereupon he prayes Judgment, whether the Court of our faid Lord the King here will further Justifie the aforefaid Plea, &c.

DEter Charely of C. in the County aforefaid, was attached to unfwer J. R. the younger of a Plea, wherefore by Force and Arms the Close of him the faid I, he broke, and his Grass there growing to the value of a hundred shillings, with trampling of Feet he did tread down and confume, and other harms, &c. to the Damage of the Plaintiff, a hundred thillings, and thereupon he brings his Action.

Nd the aforefaid P. by I: Pomeroy his Attorny, comes and de- The Defendant A Not the aforetaid P. by I: Pomeroy his Attorny, comes and de- ine Defendent fends the force and injury; when Go, and layes that the aforeful pleades the I. R. ought not to have his Action aforefaid against him, because he sayes, that the aforesaid I. R. the day and year in the Declaration aforesaid above specified, to wit, the twentieth of Odober, in the year sould bave of our Lord the King, that now is, the fifth, and the day of the iffuing brought it by forth of the original Writ of him the faid I R; that is to fay, the day of in the feventh year of our Lord the King that now is, was within the age of twenty one years, and that the aforefaid, I. R. declared against him the faid P. C. In the plant aforesaid by his Actorny, whereas by the due form of Law, he ought to have declared by his Guardian, and this he is ready to aver whereupon he prayes Judgment, whether

Plaintiff within age to bring his Action, and Guardian and not by Atter-

hether the aforested II A origin to have his Action aforehid against in form eforefull, do nor being that the fewe f. 3. will area, thid the fair f. 15 will area, thid the fair f f. 15 yeal whip and in toll the f. cl. ar is to fay) as VV. afore

Somerfer ff. for (everall Trespalles with a continu ance.

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The Defendent

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Cornel.

B. lately of w. in the County aforefald Yeoman, was artached A Declaration . to answer F. A. the Elder, and F. A. the younger of a Plea wherefree by Horseand Armithe Close of them the faid F, and F. Vat w. did brest and their Corn and Graffe rothe value of a hundred this lings there lately growing, with certain Cattell, did ear up, tread down and confume, as also other of their Graffe to the value of forty shillings, there in like manner growing, walking with their Feet, he did creat down and confirme, and other harms to them he did, to the steat damage of them the faid friend Huant against the peace of our taid ford the King that now is, and thereupon the faid F. and F. by 7. R their Attorny, complain, that the aforefaid T. (Such a Day and year) by Force and Arms, ow, the Close of them the faid F. and F. at we did break, and their Corn, that is to fay, Wheat, Rye, Banly Penfe Bengguand Oges and their Graffe, then there growing to the value. esday With certain Cattell, that is no lave with Horles Oxen, Cowes, Hogs, and Sheep, he did eat up, tread down, and confume as also other Graffe to the value of, &c. there in like manner growing, walking with Feet, he did tread down and confume, the Trefpaffe aforefaid above last mentioned, as to the Treading down and confuming the Graffe aforefaid, by walking with their Feet from the aforefaid (Such a Day and year) above specified unroother (Such a Day and year) then next following, by divers Days and Turns continuing, and other barms, &c. to the great Damage, &c. and against the Peace; &c. whereuponthey fay they are damnified, and bath Damage to the value of twenty pounds, and thereupon they bring their Action, the Class of him the bridge has been and his Constitution from 178 in it bills of the Lio callocated in the complication by the site acts of the

For taking away an Heire in the life of bis Father.

Otherwife of an Heire by Ghar dian.

Respasse, wherefore by force and armes he tooke and led away Elizabeth Daughter and Heire apparent of her the fayd 7, at B. found, and other enormicies, Oc. M. 6. H. 6. Ret. 308. Notificational Public Toward his Actoria, comesant de

Respasse, wherefore by force and armes 7. Daughter and heir of him the layd Plaintiff, whole marriage did belong to him the favd Plaintiff at O. found, did take and lead away, and other enormities, &c. Trin. 8 H. 6. Ros, 311.

Taking one prisoner.

e Line

of you tell the fact and brottogodo Respelle, wherefore by force and armes, the Close of him the faid I. Plaintiff at M. did break, and on him the fayd Plaintiff made an affault, and J. W. his Prisoner in the Warr lately taken; there found, did take and lead away, and other enormities.

Whereas the territory are early

A N D the fayd Defendant faith, That he the fayd R. N. was wan- The Defendant A dring, by which, &c. Without this that the aforelaid R. N. was took bim as a Prisoderof the fayd Plaintiff, late of Warr of the Lord the King, as wanderer. the fayd Plaintiff above doth complaine against him: And this, coc. The Plaintiff replyeth the contrary, P. 5 H. 6. Rot. 317. and a mes the Close and House

Pignath.

Refpaffe, wherefore by force and armes O. of N. Prisoner of him the fayd Plaintiff of our Warr taken, at 2V. found, he took and led away and other enormities, &c. Trin. 8 H. 4. Rot. 109.

Otherwise.

L: And other Enormains, See, 14, 2. H. & Kar Currey S. O. B. was attached to answer E. N. of a Plea, where- For severall Diore by force and armes the Cloles of him the fayd Plaintiff at T. Trefpaßes at and No did break, and twenty Heifers of him the fayd Plaintiff, of the feverall days. price of forty Marks there lately found, did take and lead away, and the Hedges and Dirches of him the fayd Plaintiff at T. did deftroy and lay flat on the ground; and other enormities to him he offered. to the great Damage of him the fayd Plaintiff, and against the publique peace : And whereupon the fayd Plaintiff by S. his Attorney dorh complaine, that the aforefaid Defendant (fuch a day and year) by force and armes, the Closes of him the fayd Plaintiff at T. and N. did break, and four Heifers of him the fayd Plaintiff of the Cattell aforefaid, and (fuch a day) then next following, by force and armes from four Heifers of him the fayd Plaintiff likewise of the Cattell aforesaid, and also (such a day) then next following, by force and armes, twelve Heifers residue of the Cattell aforesaid, of the price, &c. there lately found, did take and lead away: And (fuch a day and yeare) by force and armes the Hedges and Ditches of him the sayd Plaintiff (that is to say) in Longitude thirty pearches, and in Latitude eight feet, at &c. did destroy and lay flat on the ground; and other enormities, &c.

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Respasse, wherefore by force and armes the Close of him the faid For passurine Plaintiff at L. did break, and his two hundred and fixty Sheep, of fheep in a rotthe price of forty pounds, there lately found, did take, and did chale ten pasture, by them to a certaine corrupt Pasture, within the Villiage aforesaid, out they dyed. of malice detaining those Sheep so long upon the pasture aforesaid, that those Sheep by corruptnesse of that Pasture, becoming rotton and infected, dyed : And other enormities, &c. H. 14. H. 4. Rot. Moral and Libert mana

reason whereof

Respasse, wherefore the free fishing of him the said H. at G. For filling in did fish &c. And the Pond of his Mill there did break, by which a free fishing, the water in the same Pond wholy ran out, by which, &c. the pro- and breaking fit &c.

Trespasse:

Care with I es ouer the Plaintiff.

I have the Care coupled together, upon him the faid Plainting by which the lame Plaintiff, was thrown to the ground, and two Ribs on histeft fide were broken : And other Enormities, &cc.

Forentingof Pigeons.

Respatte, wherefore by force and armes the Close and House of him the favd Plaintiff at D. did break, and the Pigeons of his Dove-Honfe there lately, with Nees and other lugines did take and carry away, by which the fame Plainciff, his flight of his Pigeons aforelayd wholy loft: And other Enormities, &c. H. 2. H. 6. Ret. 158.

Otherwife.

Refoalle, wherefore by Force and Armes, the Pigeons of the Dove-House of him the faid Plaintiff at D. found with New and other Ingines, did take and carry away, by which the fame Plainciff, the flight of his Pigeons aforefaid, by a great time loft, acc. H. S. H. C. Ret. 118.

For erecting a boufe fo neere the walts of the Plaintiff, that the Timber besame rotten.

Relpaffe, wherefore by Porce and Armes, he did Breft a certain Honfe to neer the Wals of the faid Plaintiff at C. that the timber of the Wals aforefaid became rotten, by the Thowers of Rain from the faid House fo Erected, apon the fame Wals defoending, and doth threaten the ruine of the House of him the faid Plaintiff: And other Enormities, &t. M. S. H. S. Ret. 158.

Durt fo neere the Plaintiffs door, that he could not goe out.

For putting of Respasse, wherefore by Force and Armes, he put Mud and other Foulneffe fo neer the House of the Plaintiff at E. that the same Plaintiff could not enter into his House, and go out from the same by a prear time : And other Enormities, &c. M. 8. H. 46, Rot, 1145.

For drowning the Plaintiffs Corne being in a Honfe.

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Respasse, wherefore by Force and Armes, he did so fill up a cercain water in W. with Earth and Mud, and fustened to many Stakes and Postes in the fame Water, that the Water going out from the faid Water did overflow the Corn of him the faid Plaintiff, being in his houles there in Sheafes, to the value of ten Pounds, by which the Blade aforefaid were wholy corrupted and confumed . And other Enormities, &c. M. 3. H. 6. Rot : 424:

of a meadow

For drowning T Respasse, wherefore by Force and Armes, he did digg in the Soil of him he faid D: at M: and took and carryed away the Earth with water. . from thence cast forth, to the value of forty Pounds, and did obstruct the course of a certain current of Water, In a certain More and River called M: River, neer the Mill of W: Ontill the course of a certain current of water in the fame River, against Slip Meadow, at theaforelayd forefred Villiage of M. with Both, Mad, and other filthingle - fo ten that water going over the Banks of that Mote, did overflow the Mendow off the last D: adjoining to the fold More: By which the fame D: by a great time loft the profit of his Meadow aforeltid; and other Enormities, &c; M: 24: H: 6: Ret; 650;

TRespon, wherefore by force and armes he did keep the Flood-gates per overflow. To f the Mill pond at M. to long thur, that the water of the Mill inc. a common pond aforefaid, being hindred from his due course, by shutting of the with water, Ploodgates aforefaid, did overflow the banks of the Pond aforefaid running upon the Common of him the fayd Plaintiff, in three hundred Acres of pasture there adjoyning to the fayd Pond, by which the faid Plaintiff by a great time loft the profit of his Common aforesaid, and other enormities, &c. H. II H. 6. Roll 121.

TRespas, wherefore by force and armes he broke the Close of the per taking a Good Plaintiff at T. and took and carryed away fixty of his Pheat was Pheatimes Gines of the price of forty pounds there found, and other enormities. &c. M. 4 H. 6. Roll 212.

Refpas, wherefore by force and armes at C. he did break the Clos For breaking I fes and Houses of the fayd Plaintiff, and did mow his Graffe at the the close and aforefaid Villiage of . lately growing, and did take and carry away confuning the the Havithereof coming, to the value of forty pounds, and did care up tread downe, and confume, with certain Cattell, his Graffe there lately growing, to the value of forty pounds, and there with certaine Cares did noot up his Soyle, by which the fame 7, by a great time loff the profit of his Soyle aforefaid, and other enormities rec. H. 10 H. 6. Roll 118.

M. was attached to answer B. F. Administrator of the Goods For breaking I and Chattels which were of D. who dved Investate, &c, of a Plea the banfe of an' wherefore by fonce and armes at W. he broke the Close and House Administrator of him the layde Administrator, and tooke and drove away tenn may cantelly Cowes there founde, which were of him the layde D. of the which were, price of forty Pounds, under the Custody of him the said Administra- &c. under the tor there found, did take and carry away: And other Enormities to caftedy, &c; him offered in a delay of the Administration aforesaid; and against the peace. &c. M. 22. H. &. Ret. 544.

ND as to the taking of the Cony aforefaid, that he in going Amends please A ND as to the taking of the Cony aforesaid, that he in going Amends pleaing before him, for which he often offered to pay to the favd Plain of a com. tiff reasonable amends (that is to say) eight Pence for that Cony, and now is ready here in Court to fatisfy him thereof by the difere-

tion

tion of the Justices, &c. And this Ste. And because the Justices are not yet advised to render Judgment of the taking of the Congforelaid " Therefore day is given to the parties aforelaid, thereof here at the aforefaid Term. 6: Let: bec

a leaden Myne

For digging in T Respasse, wherefore by Force and Armes, he did break the Close of him the fave Plaintiff at D, and did dig in his leaden Mine and and taking a the leaden Ore thereof cast forth, to the value of forty Pounds did take and carry away, &c. H. 27, H. 8, Rot. 112.

For imprisoning, and ill ufing the Plain-

Respasse wherefore by Force and Armes, he did take, Imprison. and evill deal with him the fayd Plaintiff, at London : And in the Declaration express the Parish and Ward. coc. 100 34519 1 ved mining

Outlary fleaded in barr, the eth, that be was inhabiting in another

N Trespasse the Defendant pleaded an Outlary against the Plaintiff, and the Plaintiff replyeth and favth, That he at the time of Plaintiff reply the Outlary he was Inhabting in another County, then where he is named in the original Writ: And at the Affizes the Plaintiff doth not profecute.

County when be was fooutlawed.

Fu?ification by reason of a recovery in the bundred Court

TN Trespasse for taking of Sheep, the Defendant justifyeth the taking, by reason of a Plaint levied in the hundred Court and a Precept of causing to be levied, by virtue of a Recovery in the same Plaint: And the Plaintiff replyeth and fayth, That the fayd B, did not recover against him the layd Plaintiff, the aforefaid ten Pounday nor any Penny thereof, in the fayd Court of the hundred aforefaid! as the aforefaid Defendant hath above alleadged: And this &c. Therefore twelve. &c. Trin. 30. H. 6. Rot. 530.

Arbitrement pleaded after the last continuance, Replication no fach Arbitrement.

IN Trespasse the Defendant pleaded not guilty, and the Affizes. I the Jury appear : And the Defendant fayth, That after the last continuance of the Plea aforesaid, the aforesaid Plaintiff and the same Defendant put themselves in Arbitrement : And the Plaintiff replyeth and fayth no fuch Arbitrement: And fo to iffue; and the Venire Facias awarded, M. 31. H. 6. Rot. 121.

Arbitrement after Arbitrement pleaded after thelaft continuance.

non

self which

O'Vrier ff. In Trespasse an Arbitrement made at D. in the County of Buck: pleaded &c. And the Plaintiff fayth. That he did not Submit nor put himself in Arbitrement, and so to iffue : And so at Affizes at Nis Prim, the Defendant pleaded an Arbitrement after the last continuance of the Plea, &c. And the Plaintiff demurrethin Law there, and at the day in the Bench, and Jud ment for the Plaintiff, 7. 6 H. 6. Rot. 248. . harnad notice and the

the daidy and cheating aid Twisters in

Wok. f. In Trespasse for taking and driving away Cattell , the Note this, Defendant fayth, That the Sheriff of the County aforefaid, at when one his County aforesaid held at S. (such a day and year) made to the slaimes pro-same Desendant a Replevy of the Cattell aforesaid, by virtue where-when the Sheof the same Defendant took the Cattell as &c. And the Plaintiff fayth, riff cometh to That he at the aforefayd time of the delivery of the Cattell afore- replety Cattel, favd, claimed property of the Cattell, and this notwithstanding the and another fame Defendant made delivery of the Cattell, &c. And the aforefayd taketh the Cat-Defendant fayth, That the aforefayd Plaintiff had other Cattell then of the Sheriff, those named in the Writ, of which the aforesayd Plaintiff claimed be is a Tresproperty: Without this, that the aforefayd Plaintiff claimeth pro- paffer. perty of the same Cattell named in the Wrie, &c. And the Plaintiff fauth otherwise, T. 6. H. 6: Rot. 417.

E. lately of S. in the County aforesaid Yeoman and W. E. R. lately of S. in the County aforelaid Yeoman and W. E. lately of E. in the County aforelaid Yeoman, were attached to answer E. Pleydall Gentleman, one of the Attornys of the Court of and fettering our Lord the King, of his Bench, of a Plea, wherefore by Force and and detaining Arms, one Mare Colt of his the fayd E. P. of the price of ten pounds, of him, Hill, at S. lately found, they took away, and her from thence to VV. they 20 Jacobi, led away, and there fettered, and her to lettered, they fo long detained that the Colt aforefaid was very much wronged, and other harms to her they did, to the great Damage of him the faid E. and against the Peace of our Lord the King that now is, and whereupon the faid E. in his proper person complains, that the aforesaid R, and VV. the eighteenth Day of July, in the nineteenth year of the Kings Raign, &c. (as above, damage twenty pounds)

Wilt. fl. Trespalle for Rot. 1992.

N D the aforesaid R. and VV. by S. Martine their Actorny, The Defendant Come and defend the Force and injury when, &c. And as to the pleads not guilcoming by Force and Arms, as alforhe leading away of the Mare Colt and justifies from S. aforesaid to VV. aforesaid, they say, that they are in no wife the rest as protherof guilty, as the aforefaid E: hath above against them complained, per to his office and of this they put themselves upon the Country, and the aforesaid E. of being Tyth-thereupon in like manner, and as to the Residue of the Trespasse aforefaid above supposed to be done, they the said R: and VV : fay, That stray, the aforesaid E: ought not thereupon to have his Action aforesaid against them, because they say, before the time aforesaid wherein the Trespasse aforesaid is supposed to be done : One Edward Earl of Hertford. was seized of the Mannor of S: with the appurtenances in the County aforesaid in his Demesne as of Fee : And the same Earl and all those whose Estate the same Earl hath in the Mannor aforesaid with the appurtenances, time out of Mind, have had, and have used to have, all, and all manner of Strayes coming within the precinct of the

Mannor aforefaid, and the aforefaid Earl being to feized of the Mannor aforefaid, the fame Emil before the faid time, wherein , &cc : of the fame Mannor with the appurtenances, did infeoff VV: Lord Georges, and Gilbert Pryn Knight, to hold to them and their Heirs, ro the ale of the aforelaid Earl, and one Frances his then VVife, and the Heirs and Affigues of him the faid Earl, for ever, by virtue of which faid Feoffment, and by force of a certain Act in the Parliament of our Lord King Henry the eighth at Westminfter in the County of Middlefex. the fourth Day of February in the twenty feventh year of his Raign of transferring uses into possession, holden, published, and provided. the aforesaid Earl and F, were seized of the Mannor aforesaid with the appurtenances, that is to fay, the fame Earl in his Demefne as of Fee, and the aforefaid F, in her Demeine as of Freehold for Tearm of her life - and being fo thereof feized, the aforefaid Earl, after and before the faid time, wherein, &c : at S . aforefaid, died of fuch his Estate seized, and the aforesaid F: him survived, and held her self in the Mannor aforesaid with the Appurtenances and was thereof fole seized in her Demelne as of Free-hold for Tearm of her life, by Right accruing of And the same R. and W. further say, that within the Mannor aforefaid, there is, and time out of mind, there bath been fuch a custome, that if any beasts or Cattell shall come within the Mannor aforelaid as Strayes, that then the Tithing-man of the Village of S. aforefaid for the time being was used and accustomed to seize such like Beafts or Cattell fo coming within the Mannor aforelaid, as Strays. and the same in the Markets and Fairs next adjoyning to the said Mannor, according to the Law and custome of this Realm of England, canled to be proclaimed, and the fame to keep in their custody to the use of the Lord of the Mannor, untill the same Beafts or Cattell, shall be lawfully claimed by the owner of them, or shall be forfeited to the Lord of the Mannor aforesaid for want of claim, and the same R, further faith, that he the 18, day of fuly, in the 19, year aforefaid, was Tithingman of the aforesaid Village of S, and that the Mare Colt aforefavd in the Declaration aforefayd, above specified, the aforesaid 18. day of July came within the Mannor aforelayd as a Stray, and there as a Stray remained, by which he the faid R. being as aforefaid, Tithing man of the aforesaid Village of S. and the aforesaid W. as Servant of him the faid R. and by his command after, that is, to wit, the aforefayd eighteenth day of July, in the nineteenth year aforesaid, the aforesaid Mare Colt found within the Mannor aforesaid, to the use of the aforefaid F, then being Lady of the Mannor aforefaid, they took and seized as it was lawfull for them to do, and the aforesaid Colt in certain pasture of his the said R. within the Mannor aforesaid, they kept. and they the same R. and W, further say, that the Mare Colt aforesaid at the time of the taking and seizure thereof, was so strong, violent, and wild, that the could not be kept within any pasture without Fettering,

by which he the faid R. and the aforefaid W. as the Servant of him the faid Rand by his command, the same Colt, least he should escape out of the fame Pafture of him the faid R. to do any hurt unto the Neighbours, there they did fetter her with certain fetters, and her fo fettered for the space of five weeks then next following, for the reason aforelaid, they kept, as it was lawfull for them to do, and the faid R. afterwards, did deliver the Colt aforelaid, to him the faid E. claiming the fame Colt to be the proper Colt of him the faid E. which faid taking and feizing of the Colt aforefaid, and fettering of the fame Colt. and detaining of the same fettered in Form aforesaid done, are the same taking and fettering of the faid Colt, and detaining thereof fettered, whereof the aforefaid E. hath above now complained, and this they are ready to aver, whereupon they pray Judgment, whether the aforesaid E, ought thereupon, to have his Action against them; &c.

N Dehe aforesaid E. sayes, that the aforesaid Plea of the afore- The Plaintiff fayd R. and W. as to the taking and fettering of the Colt afore- demurs to the faid, and the detaining of him fettered above in bar pleaded, that that aforefaid Plea. plea in manner and form aforefaid pleaded, and the matter in the same contained; doth not hold sufficient in Law to debar him the faid E. from having his Action aforesaid thereupon against them the said R : and VV : and that he to that Plea in manner and Form aforesaid pleaded hath no necessity, nor by the Law of the Land is bound to answer, and this he is ready to aver, whereupon for want of fufficient answer of the aforesaid R. and W. in that behalf, he the faid E. prayes judgment and his Damages, by reason of the same Trespasse, to be adjudged unto him.

ND the aforefaid R. and VV : for that they have above allead- The Defenged sufficient matter in Law, to debar the aforefaid E. from ha- dants ioin in ving his Action aforesaid against them the said R. and W. as to the ta- demurrer. king and fettering of the Colt aforefaid, and the detaining of him fettered above supposed to be done, which they are ready to aver, which faid matter the aforefaid E. doth not deny, nor in any manner answer unto it ; but doth altogether refuse to admit of that averment, as formerly they pray Judgment, and that the aforefaid E. may be debarred from having his Action aforelayd against them, &c. And because the Justices here will advise themselves of and upon the Premisses, whereupon the parties aforesaid have above put themselves, upon the Judgment of the Court, before Judgment thereupon be rendred, Day is given to the parties aforesaid, here untill fifteen dayes after Easter, of hearing thereupon their Judgment &c. because the same Justices here thereupon have not as yet. Go. And as to the trying of the iffue aforefaid above joyned, command is given to the Sheriff

Sheriff, that he canfe to come here at the aforelaid Tearm? twelve,

and trade to the 20

London fl.
Assault, battertery, false imprisonment,
Hil. 19 Jac.
Rot. 2025.

C. lately of B. in the County of H. Gentleman, and T. H. lately of, de, were attached to answer R. Davies of a Plea, wherefore by force and armes on him the layd R. at London, they made an ale fault, and him beat, wounded, evill intreated, and imprisoned, and him there in prilon, against the Law and custome of the Realme of our Lord the King of England, they long detayned, and other harmes to him they did, to the great damage of him the fayd R. and against the peace of our fayd Lord the King; and whereupon the fayd R by 7. L. his Attorney, complaines, that the aforefaid 7. and T. (fuch a day and yeare) by force of armes, that is to fay, with Swords, Staves, and Knives, on him the favd R. at London, in the Parish of Saint Mary Bow in the Ward of Cheap, London, made an affault, and him beat, wounded, and imprisoned, and him there in prison against the Law and customes of the Realme of our Lord the King of England, long, that is to fay, by the space of ten dayes they detained, and other harmes, &c, to the great damage, &c: And against the peace, &: whereupon he fayes he is damnified, and hath damage to the value of an hundred pounds: And thereupon he brings his Action, OG:

The Defendant pleads not guilty to part, and to the residue be justifies as under Sheriff of the County of Heres.

A ND the afore aid 7. and T. by Thomas Carpenter their Actorney, come and defend the force and injury, when, &c. And as to the comming by force and armes, as also the whole Trespas aforesaid, besides the assault and imprisonment aforesaid above supposed to be done, the same 7, and T. say, That they in nothing are thereof guilty, as the aforesaid R. hath above against them complained: And of this they put themselves upon the Countrey; and the aforesaid R. thereupon in like manner: And as to the affault and imprisonment aforesaid above supposed to be done: They the sayd 7. and T. say, That the aforefaid R; ought not to have his Action aforefaid thereupon against them, because they say, that the aforesaid time wherein the affault and imprisonment aforesaid was supposed to be made, one H. W. Efg; was Sheriff of the County of Heref. and that the same 7. C. the same time wherein, &c. was Under Sheriff of him the sayd H. w. of the same County of H. And that before the sayd time wherein the affault and imprisonment aforesaid was supposed to be made (to wit, such a day and yeare) out of the Court of our Lord the King of his Bench here, to wit, at Westminster, at the profecution of one R. R. Gentleman, then being one of the Attorneys of the Court of our fave Lord the King of his Bench here, there did iffue forth a certaine Writ of the layd Lord the King of an Attachment of Priviledge, at the Suit of him the fayd R. directed to the then She-

riff

riff of the aforesaid County of Heref. By which sayd Writ, our Lord the King that now is, commanded him the fayd then Sheriff, that he Lould Attach the aforesaid R. fo that he might have him before the Tustices of our fayd Lord the King at Westminster aforesaid, on Wednelday next after a moneth of Easter, to answer the aforesaid R. R. one of the Attorneys of the Court of our Lord the King of his Bench here, according to the Liberties and Priviledges of the fame Court for the like Attorneys and other Ministers of the same Bench, time out of minde used and approved in the same, in a Plea of Trespas upon the Cafe, and that he should have there that Writ: Which favd Writ the aforesaid R. R. afterwards, to wit (such a day, yeare, and place) delivered to him the fayd ?. C. then being Under Sheriff of the aforefavd H. W. being then Sheriff of the aforesaid County of Heref. in forme of Law to be executed : By vertue of which fayd Writ, he the layd 7: the Under Sheriff (of the aforesaid H. W. the Sheriff of the aforesaid County of H.) as aforesaid being, and the aforesaid Tras Servant of him the fayd 7. and by his command, the aforefaid time wherein, &c. at the City of H. in the aforesaid County of H, the aforesaid R. D. they took and arrested, and him in their custody upon that occasion by the time aforesayd, in the Declaration aforesaid fpecified, they did detaine, as it was lawfull for them to doe : Without that that they the fayd ?. and T. are guilty of the affault and imprisonment aforesaid, at London aforesaid, or elsewhere out of the aforesaid County of Heref. as the aforesaid R, hath above against them complained: And this they are ready to averr, wherenpon they pray Judgment, whether the aforesayd R. ought to have his Action aforelavd against them, &c.

A. N D the aforesayd R. as to the Plea aforesayd of them the sayd J. The Plaintiff A and T. as to the assault and imprisonment aforesayd in bar pleaded, replies, the De-Jayes, That he by any thing in the same Plea before alleadged ought not fendants did it to be debarred from having his Action aforefayd, because he fayes, that injury, without the aforesayd I. and T. the day and yeare aforesayd, in the Declaration any such canse aforesaydabove specified, of their owne proper injury, and without any as before alsuch canse by them the sayd J. and T. above by pleading alleadged, on leadged. bim the fard R. did make an affault, and him imprisoned, against the peace of our layd Lord the King that now is, as he above hath against them complained: And this he prayes may be inquired of by the Countrey, and the aforesayd J. and T. thereupon in like manner: And as to the trying of this I fue between the parties aforefayd now joyned command is given to the Sheriff of Heref: that hee cause to come here in eight dayes after the Purification, &c. twelve, &c. By whom, &c. And who neither, &c: to recognize, &c: Because as well, &c: And as to the trying of the aforesayd other Isue between the parties aforesayd above in like manner joyned, command is given to the Sheriffs of London, that they canse to come here at the aforesayd Terme, twelve, &c.

Com money pleaded not guilty with Cattell which over-charged the Common.

Erb. ff. In Trespasse the Defendant justifyeth for Common of four hundred Sheep, &c. And the Plaintiff fayth, That the Defendant was used to Common with a thousand Sheep in the aforesayd place in which, &c. Besides the aforelayd four hundred Sheep, for which fayd Trespasse, he the sayd Plaintiff brought his Writ, de. To which the Defendant fayth not guilty, with a thousand Sheen besides the aforesayd four hundred Sheep, Trin 6. H. 6. Rot. 422.

The Defendant sayth be found the Goods in the publick may.

TN Trespasse for carrying away Goods and Chattels, the Defendant fayth. He found the same Goods in the Kings high Way, out of the Custody of any person, and thereof made proclamation in the next Church, which is the same Trespasse, &c. H. 34. H. 6.

ded after tryall.

A pardon plea- IN Trespasse for the King, the Defendant fayth, That he is not guilty, and at the Nifi Prim, Verdict for the King, and the Court will advise, and afterwards the King by his Letters Patents, pardoned the Defendant of all manner of Rebellions, Treacheries and all other mifdoings, which were allowed, M. 12. H. 4. Rot. 391.

The Kings At TN Trespasse for the King, the Defendant sayth. That he is not torney acknow- Ledgeth the De- Ledgeth the De- Ledgeth the Defendants Plea, rant of the Lord the King to him directed, acknowledged the Plea of the Defendant to be true: Therefore the aforefave Defendant may go thereof quiet, &c.

Severall Deon one originall in Trefpaße againft three.

TN Trespasse against three upon one original Writ, and three seclarations up- I verall Entries of Issues, tryed against one Defendant, and Damages affested to twelve pounds: And afterwards another Issue treed against another Defendant, and no Damages found: And the Plaintiff had Judgment against him for the aforefaid twelve pounds of Damages found against the first Defendant: and afterwards the Plaintiff acknowledgeth himself not further to prosecute against the third Defendant, and had execution of Damages, Trin, 5. H. 4. Rot. 371.

tres .

Venire facias I Iddlesex ff. In Trespass, the Defendant sayth, The place in into two Coun- IVI which, &c., is forty acres of Land with the appurtenances, in the same Villiage, which are in the County of Hertf. and the Issue is idined in both Counties: And the Venire Facias directed to both the Sheriff, of Middlefex and Hertf. And after Islue tryed for the Plaintiff in the County of Middlefex, and Damages affelsed by the Jurors, by reason of the whole Trespasse, if, &c. to three shillings four pence, and if not, &c. to twelve pence, and Judgment respited, O.c. T : 5. H. 4. Ros. 391.

N Trespas by the ordinary, for Goods sequestred, of one dying In- For the orditeftate, M. 8. H. 4. Rot. 418.

Torke f. Trespasse, wherefore by force and armes, he did take For taking a-I and lead away, one W. Servant and Apprentice of him the fayd way an Ap-Plaintiff, being in his Service at Yorke: And the Defendant fayth, That the aforesaid w. S. at the aforesaid time, in which, &c. was a Vagabond, and wandering out of the Service of every man, by which the same Defendant retained him, as, &c. And this, &c. And the aforefayd Plaintiff fayth, that after that the aforefaid W. S. was wandering, he gave notice to the Defendant, that the aforefaid W. S. was his Servant and Apprentice, and that he would deliver him to the favd Plaintiff, and that the same Defendant did refuseto deliver him to him: And this, &c. Whereupon out of which, &c. And the aforefayd Defendant fayth as before in Bar : Without this, that the aforefayd Plaintiff did give notice to the same Defendant, that the aforesaid W. S. was his Servant, and the Plaintiff fayth otherwise: Therefore twelve, &c. M. 20, H. 7. Rot. 533.

X7 Herefore by force and armes, he did break two Pipes of Claret For breaking of Wine of him the fayd Plaintiff, at B. found, by which the Wine a pipe of wine. in the same contained, wholy did run out : And other Enormities, Gr. P. 7. H. 6. Ret. 427.

Respasse for entring into a free Warren in VV. the Defendant sayth, For chasing in I That one E. is Lord of the Villiage of F. in the County afore- a free warren. faid, which is adjoining to the aforesaid Villiage of W. and that in the same Villiage of VV. is bad a certain great Pasture called H. which is next adjoining to the aforesaid Villiage of F. And that the same E. and all his Predecessors, and all his Tenants Inhabiting and dwel- Prescription to ling in the aforesaid Villiage of F. from the time of the contrary, wher- bunt in the aof the Memory of men is not extant; were used to chase and hunt in foresaid pathe aforesaid Pasture, &c. H. 2. H. 4. Rot. 112.

flure.

TT Herefore by force and armes, they did break the Close, and For breaking a W the Grais, &c. did eate up, tread down, and consume, and his close taking a-Cattell (that is to fay) two Heyfers and one Gelding, of the price way cattell, of forty pounds, there lately found, did take and lead away : And and felling also those Cattell to certain persons unknown, did sell, and the Mo-them. neys thereof coming, did convert to their own use, against, &c.

Wherefore

For chasing of Hoggs with Doggs, whereby they dyed.

W faid A. at M. found, with certain Dogs, in so much by setting on those Dogs to bite the hogs aforesaid, that by that chasing and biting of the Dogs aforesaid, the aforesaid Hogs of the price of forty shillings, dyed, and other Emormities, &c. Trin. 25. Eliz. Rot. 408.

For breaking a Clofe, mowing Graße and Corne, and taking them away.

Wherefore by Force and arms, he did break the Closes of the said Plaintiff at A. and his Corn there lately growing, did mow, and his Grasse there lately growing, did cut, and the Hay coming thereof, and his Cornaforesaid, to the value of ten pounds, did take and carry away, and other Enormities, &c.

For taking away a Pale.

Herefore by Force and Arms, he did break the Close of him the faid Plaintiff at B. anddid take and carry away a certain new Post of him the said Plaintiff there in the Soil put and fastned, to the value of forty shillings, and other, &c. T. 27. H. 8. Rot. 335.

Justification for Americament in the hundred Court for the King, and for Rent.

Cock against Batow, and others, wherefore by force and Arms at G: S. they tooks one Milch Cow of him the said G: C: and did drive her from thence to D: and there impounded her, and did detain her there so impounded, until the same G: C: had made a Fyne by six shillings and eight pence, with the said Defendants for delivery of the Cow afore-said, and other enormities, &c:

Nd the Said Defendants by W. N: their Attorny come and de-A fend the force and injury, when, Go. and as to the coming with force and Arms not guilty, and as to the residue, his Action ought not, & o : because they say, that long before the aforesaid time in which it is Supposed the Trespasse aforesaid to be done, and also the same time in which, & c: the now Lord the King was seized, and yet is seized of the bundred of R: with the Appurtenances in his Demesne as of Fee in the righ: of his Crown of E: and that long before the aforefaid time in which, and also at the same time in which, &c. the aforesaid G: C: was and get is soized of a certain cheife Messuage, 100 Acres of Land &c. in S. aforesaid, called G: in his Demesne as of Fee, and bath held, and yet doth hold those Tenements with the appurtenances of the Said now Lord the King, as of his hundred aforesaid, by Fealty and Rent of seven pence half penny at the Feast of Saint M. yearly to be paid to the laid Lord the King, and by service, to do Suit to the Court of him the faid Lord the King of his Hundred afore aid from three Weeks to three Weeks, within that hundred yearly to be held, and that within the hundred aforesaid, such a Custome is had, and also from the time of the contrary, whereof the memory of men is not extant, was had, used, and approved, in the lame hundred, (that

(shat is to fay) That every Freeholder of every Freehold within the Hundred aforefaid held of the faid Lord the King as of his Hundred aforefaid, not appearing at the aforefaid Generall Court, shall be amerced for his faid contempt, two shillings and eight pence, and that the Bailiff of the same Hundred for the time being, as well those amerciaments, so impofed for not appearing at the same generall fourt, as the Free Rent of every such like Freeholder, to the same Lord the King due, to then le of the fam: Lord the King, ought to gather, and receive, and by the whole time aforesaid bath been accustomed, and for not payment of the amerciament or Rent aforesaid, the same Bailiff for the time being by the whole time aforesaid, bath been accustomed into those Tenements so holden of the faid Lord the King as of his Hundred aforefaid with the Appurtenances, to enter and distrain, and the Distresses there taken, lamfully to drive away impound, and to detain impounded, untill the Rent and amerciament aforesaid. Should be paid to the said Bailiff to the use of the said Lord the King, and the monies so received, the same Bailiff for the time being, at the receipt of the Exchequer of the faid Lord the King, or to the generall Receiver of the same County of S: for the time being ought, and by the whole time aforesaid, bath been accustomed to pay, and be the said G. C. of the Tenements aforesaid in form aforesaid being seized; the generall Court of the Lord the King for the hundred aforesaid A. at C. in the County aforesaid, on Thursday next after the Feast of Saint M. (in Such a year, was held before E. B. Efg. then Steward of the same Court, at which faid Court, the same G. C. was required and did not appear, therefore according to the Custome aforesaid; the same G. was amerced at two shillings & eight pence, & also another general Court of the lord the King for the hundred aforesaid at C. within the aforesaid hundred, on Thursday next after the Feast of Saint M. (in such a year) was held before the aforfaid E.B. then steward of the fame court, at which faid court the faid G: was required & did not appear, therfore according to the custome aforesaid. the faid G. was amerced to 2 s. and eight pince, and they the Jame Defendants further fay, that the aforesaid time in which, &c: two shillings flx pence of the aforesaid Rent of seven pence balf penny for four years, ending at the Feast, &c. were behind unpaid to the said Lord the King, and although the same G. B. then and yet being Bailiff of the same Hundred, afterwards (that is to fay .) Such a Day and year at S. aforesaid, on the behalf of the same Lord the King, did request the faid G. C. then Freeholder of the Tenements aforesaid, being to pay to the same G. B. then being Bailiff of the same Hundred to the use of the said Lord the King, the monies aforesaid due to the same then Lord the King, as aforesaid, as well for Arrerages of Rent aforefaid as for the amerciaments aforefaid, the fame G. C. then there refused to pay to him the same, by which the same G. B. the aforesaid time in which, &c, being then as aforesaid Bailiff of the Hundred aforefaid, and the aforefaid I. and E. in aid of him the faid G. together. &c. into the Tenements aforefaid with the expurtenences for keld

nescents then being open, did outer, and did take the aforefaid Com, then being open, did outer, and did take the aforefaid Com, then being and conching upon the faid Tenements, in the name of diffresse and did chase her from thence to D. aforesaid, the same Villinge of D. within the aforesaid hundred of R. being, and there did Impound, &c., as it was tamfull for them: Which said taking, Impounding, and desaining, of the Com aforesaid, is the same Trespas, whereupon the aforesaid G. C. above himselfe dath now complain: And the same Defendants further say, That the same G. as Bailiss of the same hundred afterwards (that is to say) such a day and yeare, did pay those Moneys to W. H. Esq; general Receiver of the same County, then being, to the use of the Lord the King; all and every which things, the same Defendants are ready to aver, whereupon they pray subgment, if Action, &c., The Plaintiff replyeth that the Defendants committed the Trespas of their own wrong, without any such cause, T. I. 4. J. Rot. 3397.

The Defendant justifies the taking of goods for Tole at a Faire, by the Custome of the Mannor.

VV Herefore by force and armes, the Goods and Chattels of him the faid R. to the value, &c. at K. found, did take and carry away, &c.

ND the faid Defendant by A. B. his Attorney, cometh and defendeth the Force and Injury, when, & And as to the coming with force and armes, and also to the whole Trespass aforesaid. except the taking and carrying away of the four yards of Linnen Cloath of the aforefaid ewenty yards of linnen Cloath above funposed to be done, he sayth, That he is not thereof guilty: And of this, e.c. And as to the taking and carrying away of the aforefaid four yards of linnen Cloath above supposed to be done, his Action ought not, coo. Because he saith, That the place in which it is supposed that Trespass to be done, is, and the aforesaid time, in which, &c. was a certain Screet in the Villiage of K, called E, in the Couney aforefaid; and that long before the aforefaid time, in which. de. and also the same time, in which, de. 9. Lord D. in the Countwof E. was Seized of the Mannor of K, with the appurtenances in the County aforesaid, (whereof the aforesaid place in which, con is and the aforefaid time in which, co. And also from the time of the contrary whereof, &c. extant, was parcell) in his Demeine as of Fee: Within which fayd Mannor, the aforefaid Lord D. and all those whose Estate he hath, and the aforesaid time in which, coc. had in the aforesaid Mannor with the appurtenances, from the time of the contrary whereof the memory of men is not extant; were used and accufromed to have and to hold within the Mannor aforesaid / that is to fay) in the Villiage of K. aforefaid, a certain Faire every year in the Eve of the Feast of Saint L. and by two dayes then next following, to induce to be held as to the Mannor aforefaid with the appur-

tenances

tenances belonging, and that the same Lord, and all those whose Estate he hath, and the aforesayd time in which, dee had in the Mannor aforefayd with the appureenances, from the whole time aforelayd, have received and ought to receive at every Faire, in every year in the Eye of the aforefaid Feast of Saint L. and by the aforefaid two dayes then next following, to continue within the Mannor aforefand (that is to fay) In the aforefaid Villiage of K, held, for even ry covered Stall eracted within the aforefaid Street of E. four pence of lawfull Money of England, in the name of Tole, to be paid by the fame person or by the same persons, which should bring their Merchandizes, Goods, and Chattels, to the Faire aforefaid to fell: And if any person or persons should refuse to pay the aforelaid four pence. in the name of Tole, for their Merchandizes, Goods, and Chatrels, fo as aforefaid brought to the Faire aforefaid to be fold; then the fame Lord D. and all those whose Estate he hath in the Mannor aforesaid with the appurtenances, from the time of the contrary whereof the memory of men is not extant, by their Batliffs and Servants, within the Mannor aforelaid, or within the Precinct of the fame Manner, have been used and accustomed to take their Merchandize, Goods, and Chattels, fo as aforefaid brought to the Faire aforefaid to be fold, and to retain them untill they would pay the aforefaid four pence. in the name of Tole: And the same W. further saith, That before the aforesaid time, in which, &c. (that is to say) in the Eve of the aforefaid Feast of Saint L. (in such a year) and by two dayes then next following, a certain Faire within the Mannor aforesaid (that is to (ay) in the aforesaid Villiage of K. aforesaid was held, and that the aforesayd R. G. did erect at the same Faire, one covered Stall, within the aforesaid Street of E. and brought Merchandize, Goods, and Chattels, (that is to (ay) two hundred wards of linnen Cloath of him the fayd R, and other Wares to fell at that Faire, whereupon the aforesayd W. as Servant of him the sayd Lord D. and by his Command at K. aforefayd, the aforefayd time in which: &c. did require of the aforesayd R. four pence, due to the sayd Lord De for the aforefayd Tole, for the aforefaid covered Stall, within the aforefaid Street of E. fo (as aforefaid) erected, which fayd four pence, the aforefaid R. then and there refused to pay to the faid W. to the use of him the favd Lord D. by which the same W. as Servant of him the faid Lord D. and by his Command the aforesaid four yards of linnen Cloath, in the aforefaud Street of B, then being for the same four pence in Form aforesavd denved at L. aforesavd. in the aforelayd place, in which, &c. The same rimer in which &cd did take, &c, as it was lawfull for him . And this, &c,

Par bycelear dem! bedge.

le c.C. afferate:

For taking was and imprisoning a mans Danch-

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Replication, that the Defendant did do the trespasse of his own wrong and traverses the Gustome.

ND the aforefaid Plaintiff faith & That by any thing, &c. ought not to be barred, because by protestation, that the said Lord D. and all those whose Estate he frath, and the aforesayd time, in which. con had in the Mannor aforelaid with the Appurtenances, from the time of the contrary whereof, the memory of men is not extant, have nor been used and accustomed, to have and to hold, within the Mannor aforefaid. (that is to fay) In the aforefaid Villiage of K. a certain Faire every year, in the Even of the Feast of Saint L. and by two dayes then next following, to continue to be held, as to the Mannor aforefaid with the appurtenances belonging, as the aforefaid w. hath above alleadged, for Plea faith, That the aforefaid W. the day and year aforefald, by force and armes of his own wrong, the aforefaid four vards of linnen Cloath, of him the faid R, at K, aforefaid found, did take and carry away, as, &c. doth complain, without this, that the aforesaid Lord D. and all those whose Estate he the faid Lord D, bath, and the aforefayd time of the Trefpass aforefaid made, had in the Minnor aforefaid with the appurtenances. from the whole time aforefaid, have had, received, and ought to receive, at every Faire, &c. And this, &c. And Iffue thereupon, Trin. 7. fac. Rot. 1016.

For keeping a Dog using to bite Sheep. Hat whereas according to the Law and Custome of this Nation of B. every man is alwayes bound safely and securely to keep his Cartell and Chattells, least by such like Cattell, living Creatures, and Chattells, damage may any wayes happen to his Neighbours, yet the said Defendant at W. aforesayd, knowingly did keep a certain Dog accustomed to bite sheep, and so negligently and unduely, did keep, that that Dog did bite and kill twenty lambs of him the said Plaintist of the price of ten pounds at W. in the County aforesaid found, and &c. The Desendant pleaded not guilty, Trin: 17: H: 8: Rottulo: 365.

For breaking a dead bedge.

Vierefore by Horce and Arms, he did throw down the hedge of him the faid A. at B. lately fer up, and did take and carry away, and the dead wood of that hedge, to the value of forty shillings did take; &c.

For taking away and imprisoning a mans Daughter.

Wherefore by Force and Arms he did take, imprison, and evill deal with one M. B. on of the Daughters, and Heir of the said T. at W. and against the Law and Custome of this Nation of Eddid detain her there in prison, and other Enormities, &c. This Writ was abated after tryall, for that, that it is not warranted by the Register, for the Father to have his Action for the imprisonment of his Daughter.

Charles backets the toplets were BNT. f. Trespas, Wherefore by Force and Arms he broke the For pulling up Close of the faid Plaintiff, &c: and his Trees, (That is to fay) Rolemary and twenty Cherry Trees, and his Herbs (that is to fay) two Rolemary Lavender. Beds and half a bed of Lavender there lately growing, did pull up by the roots and the Defendant to part of the Trespas pleadeth not guilty and to the refidue, an Agreement in the County of Kent, and the Plaintiff demurs in Law, and the Nifi prins tried before the Demurrer in Law, and the Jurors affesse Damages, De bene effe, upon the matter in Law conditionally.

A Verdict was thereupon, but no Judgment given thereof, H. 4. H. 6

10t. 403.

A ND the aforefayd Defendant by D: his Attorny, cometh and Juflification A defendeth the Force and injury when, &c: And as to the Coming for taking of with Force and Arms not guilty, and as to the refidue he ought not to Cattell upon have his Action, &c. because as to the taking and leading away of an Americaone Heiser of the said two Heisers, the same Desendant saith, that ment in a bun-E. G. &c. long before the faid time in which it is supposed, the Trefpas aforefaid to be done, and the same time in which, &c. was and yet is feized of the Hundred of B. in the fame County in her Demeine as of Fee in Right of her Monastry aforesaid, and that she the said Abbeffe and all her Pred eceffors Abbeffes of the same Monastry time out mind were feized of the aforefaid Hundred in their Demeine as of Fee in Right of their Monastry aforesaid, and the same Abbess and all her predecessors aforesaid, had, and were used to have, within the Precinct of the same Hundred a certain Turn yearly before the Steward of the faid Abbes, of that hundred, for the time being to be held, and the fame Defendant faith, that the aforefaid Plaintiff long before the faid time in which, &c. was and yet is feized of one Acre of Land with the Appurtenances in G. aforesaid, within the precinct of the said Hundred adjoyning to a Pond in the publick high way there in his Demelne as of Fee, and the same Plaintiff, and all those whose estate he hath in the fame Acre of Land with the appurtenances, time out of mind were used and accustomed to repaire, hold up, and maintaine the Pond aforesaid: And the same Desendant saith, that at the Court of the Sheriffs Turne of her the fayd Abbesse, of her hundred aforesaid, at I, within the precinct of that hundred (fuch a day and year) before T. S. then Steward of the fayd Abbesse of her Turne aforesaid held, by the Oath of twelve Jurors it was then prefented, that the a- Sheriffs Turne, forefayd Plaintiff then had a certaine pond lying in the publick high way at G. aforefaid, within the precinct of the same hundred, very ruinous and unrepaired, to the common annufance of all the people of this Nation there paffing by, for which it was then confidered in the same Court, by the aforesaid T. then Steward of the sayd Abbesse of

Prefemed by the Jury at the-

the hundred aforelaid, that the same Plaintiff should be thereof amerced, by reefon of which that amerciament by the Affectors of the fame Court (that is to fay-) A, and B. then and there was affeered to three shillings, and because the same three shillings for the same amerciament, at the layd time in which, &c. were behinde, and yet are unpaid to the fayd Abbelle, the fame Defendant as Servant of the faid Abbelle, and by her command, at the aforefaid time in which, the did break and enter the Close aforefaid, within the precinct of the hundred aforefaid being, and the same Heifer by the name of Distress for the amerciament aforefayd, fo being behinde then there found, did take and lead away, as it was lawfull for him: And this, &c. Indement if action, &c. And as to the taking and leading away of the other Heifer of the aforesaid two Heifers, the same Defendant faith, That at the Court of the Sheriffs Turne of the fayd Abbeffe of her hundred aforesaid, at aforesayd (such a day and yeare) before, &c. held by the Oath of twelve, &c. then likewife was prefented, &c. (as above untill these words) And this, &c. Judgment if, &c.

Another amerciament.

Traverfeth the Prescription.

ND the aforelayd Plaintiff faith, that he ought not to be barred, &c. because he saich, that before the Trespas, he was possessed of the Heifers, as of his proper goods, untill the Defendant made the Trespas: And traverseth the Prescription, and the Desendant faith otherwise: Therefore twelve, &c.

7 ustification for taking a Horfe in the name of a Di-Streße for Tole, by reason of a Market, and the King.

The corporation of the Villiage.

Prescription of a Market.

Outh. f. when, &c. and as to the coming with Force and Arms not Dauilty and as to the Residue, his Action ought not, &c. because he faith, that the Village of N. in which it is supposed the Trespasse as forefaid to be done, is, and at the aforefaid time in which it is supposed the Trespasse aforesaid to be done, was an ancient Burrough incorporated by the name of the Bailiffs and Burgesses of the Village of N. and prayeth ayde of that the Bailiffs and Burgeffes of the faid Village of N. are, and from the time of the Contrary, whereof the Memory of men is not extant, were feized of the afore aid Village of 2V. in their Demene as of Fee, and that the same Bailiffs and Burgesses of the Village aforesaid, and al their Predecessors have, and from the time of the contrary, whereof the memory of men is not extant, have had, and were accustomed to have in the Village aforesaid, a certain Market on Saturday weekly by the whole year to be held to indure every year, by reason of which said Market, the faid Bailiffs and Burgeffes of the faid Village of N. and all their Predecessors amongst other things, have had, and from the whole time aforefaid, were accustomed to have the tole, of, and for all merchandized and Wares, for the whole market aforefaid, in the faid Marker, being or elfewhere within the Isle aforesaid, fold (that is to fay) of and for every hundred theep, thither brought to bethere fold four pence, and for every Cow there fold a half penny, and that the afore-

aforefald Bailiffs and Burgeffes and all their Predeceffors, Bailiffs and Burgeffes of the Village atorefayd, from the whole time aforefayd, for not payment of the Sums aforelayd, were used to distrain the Mer- Prescriptionto chandizes, and Wares, Goods, and Chattells, of the buyers thereof in distraine. the aforefayd Village being, and moreover the aforefayd Bailiffs and Burgeffes fay, that the aforefayd Bailiffs and Burgeffes of the Village aforefayd do hold, and all their Predecessors time out of mind have held the same Village with the Market aforesayd of N. of the now Lord the King, and of his progenitors in Fee Farm, rendring for the The Villiage fame, yearly to the faid now Lord the King and his Heirs, twenty four beld of the pounds at the Feafts, &c. by equall portions yearly to be paid, and the King in Fee aforesaid Defendants say, That at the same time in which it is supposed farme. the Trespass aforesaid to be done, the aforesaid Defendants were Bailiffs of the Villiage aforefayd, and further fay, That the aforefayd Plaintiff, the fayd time in which, &c. bought a hundred Sheep and two Cows, of a certain man unknown, the same time in which, &c. in the same Market: And because the aforesayd Plaintiff, although often required, hath not payd to the fayd Defendants then Bailiffs of the Villiage aforefayd, nor either of them four pence, for the Tole of the aforefayd hundred Sheep, and one penny for the Tole of the fayd Cows, the fayd Defendants, the fayd time in which, &c. being then Bailiffs of the fayd Villiage of N. did take and lead away the aforefayd Horfe of him the fayd Plaintiff, in the name of diffresse as it was lawfull for them, which is the fame taking whereof, &c. And this they are ready, &c. Whereupon they do not expect that the Justicers here will further proceed thereof uncouncelled from the Lord the King, and pray they may have and from him the favd now Lord the King, &c. And hereupon day is given as well to the aforesaid Plaintiff as the sayd Defendants, here untill sifteen dayes King. after Easter : And it is fayd to the fayd Defendants, that in the mean time they may profecute for him the fayd now Lord the King. Orc.

D Vck. f. When, &c. And as to the coming with force and armes, vertue of are-D and also the whole Trespass aforefayd, except the breaking of the covery in a houte aforefaid, and taking and carrying away, of two quarters and writ of Right three measures of Beanes, of the Goods and Chattels aforesaid, the cient Demesne. same Defendants say, That they are not thereof guilty, &c. And as to the breaking of the house aforesaid, and the taking oc the aforesaid two Quarters of Beanes, the same Defendants say, That the aforelayd Plaintiff his Action ought not, &c. Because Recovery in they fay, That formerly in the Court of I. W. Knight, holden at B in Ancient Dethe County aforesayd, before 1. 0. then Bailiff of the sayd 1. w. mesne at the Court beld beof his Mannor of B. in the same County, and the Suitors of the same fore the Bailiff Court, according to the Custome of the same Mannor; on Munday and Suitors,

Fustification by

the twenty fixth day of N. in the year, or came the aforefaid Defendants in their proper persons, and in that full Court exhibited to the faid Bailiff a Writ of the Lord the King, of right Close, of the Date of the tenth day of N. in the year, coc. to the same Briliff directed, by which same Writ it was commanded to the same Bailiff. that he should hold full right to the faid Defendants, by the names oc. Of ten Meffuages, oc, which w. G. had deforced them of that the King might not here further claim thereof for want of Right whereupon the aforesaid R. and M. according to the Custome of the Mannor aforesaid, did make protestation to follow their Writ close in the na- aforesaid, in the form and nature of a Writ of Affize of new diffejzin at the common Law, by complaining that, that the aforefaid w. unjustly and withour Judgment had diffeized them of their freehold (that is to fay) of the Tenements aforefaid with the Appurtenances in B. after the Transportation of King Henry Son of King John.

Protestation to profecute the Writ of Right ture of an Affixe at the Com mon Law.

Pledges of profecuting the Procese.

A ND they found Pleadges of profecuing the Writ aforefaid (that is to fay) . and B. and prayed process thereof to be made against the aforesaid W. G. according to the Custome of the Minnor aforefaid, by which according to the Custome of that Mannor, it was commanded to E. D. under Briliff of the same Minnor, and Minister of the Court aforesaid, that he should cause the Tenements aforefaid with the Appurtenances, to be re-feized of the Chattels which were taken in them, and those Tenements with the Chattels to be in peace, untill the next Court of the Mannor aforefayd. (Such a day) then next to come, before the faid Bailiff of the Minnor aforefaid, and the Suitors of the Court aforefavd, according to the Custome of the same Mannor there to be held. And in the mean time, he should cause twelve free and lawfull men of the Visnage of that Mannor, within the Precinct of the same Mannor, to see the Tenements aforesaid and to abbreviate the names of the same: And that he should summon them by good Summoners, that they should then be there before the aforesaid Bailiff and Suitors, ready to make acknowledgment thereof, &c. and that he should put by furery and fafe Pleadges the aforefaid VV. G. or his Bayl, if they should not be found, that they should then be there to heare that acknowledgement, &c.

the Precept.

At which faid Court holden before the aforesaid I. D. Bailiff of the The returne of Mannor aforesaid, and Suitors of the same Court according to the Custome of the Mannor aforesaid there on the aforesaid Munday came the aforelaid R. and M. in their proper perlons, and in the mean time they did complain, that the aforefaid, W. G. had diffeized them of their Freehold in B. after that, &c. (that is to fay) of the Tenements aforefaid, with the Appurtenances; and the aforefaid W. G. folomn-

la required, came not, and the aforefaid under Bailiff returned before the aforefaid Bailiff and Suitors there a pannell of the names of the Recognizors, &c. and further did Testify : that those Recognizors by A. B. and C.D. both of which was mainprized by R. M. and A. M. And that the aforefaid W. hath nothing within the precinct of the Mannor aforesaid by which he could be attached, neither was found within that precinct neither had bail, de, by which it was confidered of that the Affize aforefaid should be taken against him by Default, Affize taken by de, whereupon the Recognizors required, came, who to say the default. truth concerning the premiffes, elected, tryed, and fworn, faid upon their Oathes, that the aforefaid R, and M, were seized of the Tenements aforefaid with the appurtenances as of Free - hold untill the aforefaid W. G. uniustly and without Judgment, but not with force The Jury nor Arms did differze them, the Recognizors by the Court, then there found for the inquired, if the faid W, or any of his Ancestors had peaceably conti-Plaintiff in nued their possession in the Tenements aforesaid with the Appurte-the Affize. nances, by three years next before the aforefaid Day of the iffuing forth of that Writ of Affize, or no ; who faid no. They also inquired . how long time was then past from the time of that Diffeizin made. they said, that that Disseizin was made (such a Day and year,) they also inquired if the Tenements aforesaid from the time of that Diffeizin, untill the aforesaid time of the issuing forth of the Writ aforesaid by Force and Arms were held or no; they faid no. And hereupon the Judgement. aforesaid R, and M. pray judgment upon the Verdict aforesaid, Go. By which it was confidered of, that the same R. and M. should recover their Seizin of the Tenements aforesaid by view of the Recognizance of the Affize aforesaid, and that the aforesaid W. G. should be taken, and they the faid R. and M. fay, that the House aforesaid in the Declaration aforefaid specified, is, and the time of the Trespas aforefaid supposed to be done, was parcell of the Meffunge aforesaid, and that One and the the same W. G. now Plaintiff, and the aforesaid W. G. in the faid same person. Writ of Right Close and recovery aforesaid named, are one and the same person and not divers persons, and that the same W. G. the aforefaid day of the issuing forth of the same Writ of right, and the time of the same Judgment upon the same Writ rendred was Tenant of the Averment that Tenements aforesaid as of Free - hold, and likewise that by virtue of the was Tenant. recovery a oresaid, the aforesaid R. and M. at the time of the Trespas aforelaid supposed to be done, did enter into the Tenements aforefaid with the Appurtenances, and were feized in their Demesne as of Fee, and for that, that the aforesaid two quarters of Beans at the same time were in those Tenements with the appurtenances, doing dam Doing damage. mage, the same R. and M. say, that the said time in which, &c. took and carried them away, as &c. Which faid Entry by virtue of the Recovery aforesaid, the taking and carrying away are the same taking and carrying away of the aforefaid two quarters of Beans; Whereupon

Whereupon, etc. all and every which things they the faid R. and W. are ready to aver, wheresponthey pray Judgment, &c. 4 211 310 11 315

Replication.

N Dehe aforefaid W. G. fath, that he by any thing before alleadged from his Action aforefaid, against the faid R, and M. as to the breaking of the House aforesaid, and the taking and carrying away of the aforefaid two quarters of Beans, ought not to have been procluded, because he faish; that the faid Defendants the Day and year aforefaid, in his Declaration aforefaid above specified, by Force and Arms of their own Wrong, &c. made the Trespas, as, &c. Without this, that by virtue of the aforefaid Writ of Right Close, and the procels thereupon made, it was confidered, that the aforefayd R, and M. thould recover their feizin of the Tenements aforefaid with the appurrenances, against him the faid w. as the aforefaid R. and M. have above alleadged and this, &c. Whereupon out of which &c.

Traverse of the recovery.

Rejoynder.

A ND the aforefaid R and M. fay, that by virtue of the afore-Layd Writ of Right close, and the process thereupon made it was confidered of, that the same R, and M. should recover their Seizin of the Tenements aforelayd with the Appurtenances, against the aforesaid W. G. in manner and Form, in which they have above alleadged, and of this they put, &c.

For rescuing a Diftreffe taken

dimin's

W. G.R. G. and W. M. to answer R. VV. and D. his wife of a Pleas, whereas they the faid R. and D. in a certain Tenement. for an Amnity of him the fald VV. G. at R. for a certain yearly rent by the Teffament of one R. M. deceased bound for the Distress of her the faid D. for the rent aforefaid being behind, certain Cattell of him the faid VV. M. had taken, and them by the name of diffrels, according to the Liw and Custome of this Common wealth of England, would have impounded, the aforefaid Defendants did take away the Cattell aforelayd; from the layd R and D. by Porce and Arms, and other Enormities, oa and whereupon, oa they complain, that whereas one R. M. deceased was seized in his Demelne as of Fee, of, and in three Acres of hand with the Appurtenances, in ... in the County aforefayd, and held the fame in free Socage, and the faid R. M. being fo thereof feized (that is to fay) (Such a Day and year) at R. aforefaid. made his Testament and last Will in Writings, and by his same Will. willed and bequeathed to the faid D. then his Wife and her Affignes, for and during the Tearm of the Natural life of her the faid D. a certain Annuity or yearly Rent of forty pounds of lawfull mony of England, issuing, of and our of the aforesaid three Acres of Land with the Appurcenances, by the name of all the Lands, Tenements, and Hereditaments of him the faid R. M. with the Appurtenances, in the faid County of L. at the Feast, &c. yearly by Equal portions to be paid

-51 2 14 150

the section

Editor residen

and the fame R. by his fame Will, willed and bequeathed, that if the aforefaid Annuity or yearly Rent of ten pounds, at any Feaft of the aforefaid Feafts in which (as aforefaid) it ought to be paid fhould happen to be behind, that then it should be Lawfull for the aforefaid D, and her Assignes into the aforesaid three Acres of Land with the Appurterances to diffrain, and the Diffres thereof fo taken and found lawfully to take away, impound, and Retain, untill the fame D. and his Affignes of the Annuity or yearly Rent aforelaid, with all Arnerages thereof, should be fully fatisfied thereof, and afterwards (that is to fay) (Such a Day and year) the same R. M. at R. aforesaid dved. after whose Death, the aforesaid D. was seized of the said Annuity of yearly Rent of ten pounds in her Demesne as of Freehold for the Tearm of her Life, and being thereof to feized, afterwards, (that is to (Such a Day and year,) took to Husband the aforefaid R. W. by which the same R, and D, in Right of her the said D, were, and vet are feized of the Annuity or yearly Rent aforesaid in their Demesne as of Free-hold for the Tearm of the life of her the faid D. and being thereof lo feized, for that, that the yearly Rent aforefaid, was behinde at the Feast, &c. Which was (in such a year) and ver is behind, they the faid R. and D. at R. aforefaid, (that is to fay) into the afore aid a acres of land for the yearly Rent afore and so being behind, certain Cattell (that is to fay) two Cowes of him the faid w. M. to the value of twenty pounds, (Such a Day and year) had taken. and the Cattell aforesaid by the name of Distresse there according to the Law and custome of this Common Wealth of E. would have detained, the faid Defendant those Cattell by Force and Arms, (that is to fay) With Swords, &c. then and there from the faid R. and D. did take away, and other Enormities, oc. not guilty pleaded to the Trefpas, and Recule as , 6. Trin. 14. fac. Ret. 20651

Respas and Assault against A. H. S. H. and T. S. And therfaid Not guilty and not informed, Defendants, &c. when, &c. and the same Attorny of the laid T. and the Venifaith. That he is not informed by his faid Clyent, of giving any answer re facias and to the faid Plaintiff of the Plaint aforesaid, and saith nothing else writ of Inquithereof, by which the same Plaintiff remainerh against the faid Defen- " swarded. dants therof undefended for which the faid Plaintif ought to recover against the faid T his damages by reason of the Trespas and affault aforefaid by the faid T.made &c. And the aforefaid A. amd S. fay that they are not guilty, &c. and this, &c. And the faid plaintiff likewife. therefore as to try as well the iffue aforefaid between the aforefaid Plaintiff, and the faid . and S. above joyned, as to inquire what had at Damages the faid Plaintiff hath sustained by resson of the Trespas and affault aforefaid by the faid T, made, it is commanded to the Sheriff, that he caule to come here (Such a Day) twelve, &c. And who neither, &c. To recognize, &c. because as well, &c. G: W:

BOL 1743.

Trespage removed by Accedas to the Court.

w. Gentleman formerly in the Court of T. W. Elquire of his Ta Mannor of W. in the County aforefaid, did complain against & N. of a Plea of Trespas, &c: which said plaint at the Request of the faid G. is had here at this Day (that is to fay) in Eight daies of Saint M: by a Writ of the Keepers, of caufing the plaint to be recorded. and now here at this day, came as well the aforefaid G. W: by R . his Attorny, as the faid E. by A, his Attorny, and hereupon the aforefaid G: doth complain against the said E: of the plea aforesaid, (that is to fay) that the aforefaid E: (Such a day and year) by Force and Arms &c: (as in others.')

For an Administrator in Trespalle.

To answer T. Administrator of the Goods &c. Of a Plea wherefore by force and armes, the Goods and Chattels, which were, de. at 2. lately found, did take, de. And whereupon the fame T. to whom Administration of all the Goods and Chattels. which, &c. by, &c. (Such a day and year) after the death of the favd UV. was committed by R. his Attorney, doth complain, &c. And other Enormities, &c. In delay of the Administration of the Goods and Chartels aforefaid, and against the publick peace, whereupon he faith. That he is, &c. And he produceth here in Court the Letters of Administration, coc.

fbooting an Arrow out of Defendant.

Julification of TT 7 Hen, &c. as to the coming with Force and Armes not guilty. and as to the refidue, his action, &c. ought not to have or maintain, &c. Because he saith, That before the said time in which, &c. the will of the and the time of the Trespasse aforesaid above supposed to be done. the same G. was a shooting with a certain Bow called a long Bow. a certain wager at bounds, called twelve fcore Pricks, in a certain Feild called F. in the County of M. and that the faid W. unawares and negligently, did passe at the said time, in which, &c. neer one of the faid bounds in the faid Feild, and in that passage, the faid G. by mif-fortune and against the will of him the said G. at the said time in which, &c. with the Arrow of him the faid G. him the faid W. in his Feet did smite, and so if that Damage or Evill to the faid W. at the faidtime, in which, &c. happened, it was against the will of him the faid G. and by the proper negligence of him the favd VV. Without this, that the faid G. is guilty of the Trespasse aforesaid, in London aforesaid, as the said VV. above complaineth against him: And this, &c. Judgment if, &c.

The Husband not guilty, the Wife in ber own defence. M. 4. Jacobi, Rot. 1713.

Eclaration in Trespasse, and assault against the Husband and his Wife, &c. And the faid W. and F. come, &c. when, &c. And the fayd VV. faith, That he is guilty in nothing of the Trespas and affault aforesaid, as, &c. And of this, &c. And the said W. and F.

for the same F. his Wife, as to the coming with force and armes. faveh, That the same F. is guilty in nothing thereof : And of this, &c. And as to the refidue of the Trefpas and affault aforefaid above supposed to be done, the same VV. and F. for her the said F. say. That the faid Plaintiff, his Action, &c. ought not, because they say, That the aforefaid G. the day and year aforefaid, on her the faid F. at &c. and her, &c. By which the fame F, her felf, &c. And this they the faid VV. and F. for her the faid F. are ready to aver, whereupon they pray Judgment, if the faid G. his Action aforesaid thereof against her ought to have, &c.

ND the fayd Plaintiff fayth, &cc: ought not to be barred, Replication; because he sayth that the aforesaid F. (Such a dayand year) aforesaid, by force and armes, &c. of her own wrong, and without the cause by them the sayd W. and F. for her the sayd F. above alleadged on him the fayd G. at, &c, as, &c. And this he prayeth, &c. And the laydw. and F. for the tame F. likewife: Wherefore as to try that Issue as the sayd other Issue, between him the sayd G. as the aforefayd VV. above joined; it is commanded to the Sheriff. that he cause to come, &c.

M. lately, &c. was attached to answer G. D. Clerk, Vicar of Trepasse and the Church of L. of a Plea, wherefore by force and armes him affault brought the layd G. did hinder, whereby the free ingress in and by the Gleab bindering of Lands of the Rectory of the Church of L. to the tithable Lands of the bim to carry Mannor of L. in L. aforesaid, and regress from the same to have, his Tythes a and his tithes there being to his Vicaridge of L. aforefayd, by the usuall way. way, by which the fame G. and all his Predecoffors, of the Vicaridge Church aforelaid, time out of minde, were need to carry their Tithes and on the men and his Servants, there did make an affault, and them beat, wound, and evill intreat; by which the fame G, the Service of his men and Servants a forefaid by a great time loft; And other Enormities, &t. To the great Damage of the fayd G. and against the publicle peace, let. And wherenpon, &c. doth complain, that the aforefaid T. (Such a day and year) by force and armes him the fayd 6. whereby the free Egres, in and by the Gleab Lands of the Rectory of the Church of L, aforefaid, in L, aforefaid (that is to fay) In certain Feilds called the Valley, the eleven acres, the Parsonage Yard in L: aforefayd, being the Gleab Lands of the fayd Rectory of L. aforeland, to a certain Feild called the C. Feild, in L. aforelaid, being tithable Land of the Mannor of L. aforesaid, in L. aforesaid. and Regresse from the same to have, and his Tithes (that is to say) One Cart of Peale, to the value of a hundred shillings there (that is to fay) In the faid Feild called C. Feild, being to his Vicaridge of L. aforefaid by the way, in the Feilds aforefaid called the Valley, the nine.

stine acres the Parlonage Fard, by which the fame O and all his Post decellors of the Vicaridge of the Church aforefaid, time out of minde. were afed to carry their Tithes, did enter, and then and there with Swords, Staves, and Knives, and his men and Servants (that is to fav) T. H. R. H &cc. did make an affault, and them beat, wound and evill increase, by which the fame G. loft the Service of his Men and Servante for a great time (that is to tay) from (fuch a day) antill fuch a day and year: And other Enormities, &c. M. 4. Facebi Rot. 1408.

Heriot.

For rescuing a Currey S. Thomas Hewet Esq; complaineth of John Jordan in the Deuthody of the Marshall, &c. for that (that is to fay) that whereas the Tayd T (such a day and yeare) was seized in his Demeshers of Pee (to wit) in ten Acres of Medow with the appurtenances at C. in the County aforefaid, which one 74. 7. now deceased, Father of the faved 7, whose Heire the same 7, is, did hold of the same T. as of his Mannor of S. In the County aforefaid, by the fealty and cent of fourteen shillings every year at the Feasts of, &c. by equal portions to be payd, and by Service of Suit to be done to the Court of him the fayd T. of his Mannor aforesaid, from three weeks to three weeks at that Mannor yearly to be held, and also by rendring Service after the death of any Tenant from thence departing feized, the best Brast that was of fuch Tenant at the time of his death, of which same Services the fame Towas feized by the hands of the favd fames, as by the hands of his true Tenant (that is to fay) of Fealty and Suit to the Court aforefaid as of Fee and Right, and of the Rent and Heriot aforesaid, in his Demesne as of Fee; which sayd James dyed thereof ferzed (fuch a day and yeare) and at the time of his death at C.a. forefaid was possessed of a certaine Bullock of the price of forty millings, which fayd Bullock was the best Beast of the fayd ?. at the time of his death, by which belonged to the fayd T. Heriot for the Customes and Services (to wir) for the Herior aforefaid after the death of the favd fames: and the lame I, by one S. B. and E. B. had caufed a certaine Bullock to be taken and that Bullock there to be impounded, and in the name of Distresse, according to the Law and Custome of the Kingdome of the now Lord the King of England, for the Heriot aforelaid, would have derained the aforelaid for then and there (to wit) the layd (fuch aday and yeare) by force and armes, &c. at Charlewood aforefaid, did refoue that Bullock, and did keep that Butlock stom the layd S. and E. And other enormities, &c. Pafch. 48. Jacanola A 1 homen still to non deduction

For taking a Colt a Stray belonging to a Keeper of a Hundred.

will bar , let as emil the will be for the I Ent f. Richard Porman Knight docts complaint of Richard Emp-Con in the cultody of the Mulhall, of forthat (that is to lay) that whereas the fame R: ((uch a day and yeare) was, and yet is, Keeper

keeper of the Hundred of the Lord the King of M. inche County forefaid, by meaner whereof the fame Rought and bath been acenflomed to have, and all his Ancestors Keepers of the Hundred of M. aforelaid, from the time of the contrary whereof the memory of men is not extant, have been accustomed to have all Strays within the Precinct of that Hundred found, the aforefaid R. (fuch a day and year) abovefaid at V. within the Preciner of the Hundred aforefaid in the County aforefaild, by force and armes, we one Colt of the price of forty Millings at V, aforelayd in the County aforelayd, and within the Precinct of the Hundred aforefayd found, as a Stray Colt to him the favd R. as Keeper of the Hundred aforefayd belonging, did take and carry away and other enormities to him he offered, against the then and there die kill, defiroy, as it was lawful for him, which some sase

HE Plaintiff doth complain, that the Defendant (Such a Day and Trespage in a vear, by Force and Arms Go. the Close of him the faid W. at L. Warren, and did break, and his Graffe to the value, Go. there lately growing, by taking away walking with his Feet, did tread down and confume, and also the free tridges, &c. Warren of him the fayd W. at L. aforesaid, did enter, and in the same and carrying without his Licence, and against his Will; did chase, and the Hares, away goods. (that is to fay) &c. Comies, (that is to fay) &c. Pheafants, (That isto fay) &cc. Partridges (That is to fay) &cc. From the Warren aforefait, did rake and carry away, and Goods and Chartells, That is to fay, &ce. to the value, &c., there lately found, did cake and carry a way the Trefpas aforefaid as, &c. continuing, and other Enormities; &c. Hiller. Pac. Ret. 1202 languan ade lo me doda a la gaine bas fice of the Staward of the Lordflips of Mancots of her t

DOWRNE against Habond, and the faid 1. H. as to the whole Justification De Trefpas aforelaid in the aforelaid place malled B., with the appur in Trefpaffe for renances, affigued a new above opposed dobe, except the breaking of bustin, a Badthe Close aforelayd and digging of the Soil aborelaid, faith that he is ger. not thereof guilty, and of this, &c. likewife, and as to the breaking of the Close aforefaid, in the laforefaid Close Galled B. affigned a new . and the digging of the Soil aforefayd in the fame Close above supposed to be done, the same J. H. faith, that his Action &c. ought not because he saith that within the aforesayd Close called B, assigned of new before the aforefayd time, in which, oc. and also the faid time in which &c. there were certain Barehs and Dens, wherein Badgers and Foxes, being hurtfull living Creatures, and which were wont usually to kill Sheep, Lambs, and fuch like living Creatures, profitable and necellary for the Food and Suffernation of men, did crench and Earth themselves, and the same I. H. further faith, that he the aforesayd (Such a Day and year) in a certain Close of Land, called A. in O. aforefayd, did find the Trace of two Badgers, being hurtfull Creatures; and which were usually accustomed to Kill Lambs and Sheep, and other fuch.

fuch likeliving Creatureess aforelaid and the lame Trace of the faid Redours to found from the faid Close called A. into the aforefaid Close called Blabove figned anew, at the aforefaid time, in which, &c. did follow and hunt in which faid Close affigned of new, the aforefaid two Badgers, the aforefaid time in which, &c, in the faid Trenches and Earths in the fame Close affigned of new being be had intrenched and then Earthed themselves there by which the same I. H. the afore (aid time, in which &c, to kill and deftroy them fo under the Earth (as aforefaid) Trenching and Earthing in the Soil aforefaid, in the faid Close called B, affigned a new, then and there did dig, and shole Bad. gers out of the Trenches and Earthings aforesaid in the said Close of new affigned being at the faid time in which . &c. did dig, and them shen and there did kill, deftroy, as it was lawful for him, which faid following and hunting of the Badgers aforelaid, in form aforelaid made and the Digging of the Soil aforelaid, in the faid Clofe called B, affigned a new are the same breaking of the Close aforesaid, and digging of the Soil aforefayd, whereof the faid I. B. against him the faid I. H. above; himselfnow complaineth . And this , &c. Judgment if , &c. ought, as rate ad art of the following the care one in the care

MW and flower heat

For hindering the Plaintiff from exercifing his Office of a Steward, granted by Letters Patents. energy side blue and and aid

HE Defendant, ox. of a Plea, that whereas the Lady Elizabeth late Queen of England (Such a Day and year) at W. in the County of M by her Letters Patents, fealed under the great Seale of England, did give and grant to the same Earl, from the time of the full age of him the faid E. of one and twenty years, to the Tearm, and for and during the whole Term of the naturall Life of the faid & the Office of the Steward of the Lordships or Mannors of her the faid late Queen of M. in the County aforefaid, and Bolfover and Horfley in the County of Derby, with the Vailes and Fees to the same Office of ancient, due and accustomed to have, and yearly to receive the faid vailes during the Term aforefaid of the Issues, Profits, Farmes, and Revertions of the faid Lord thips of Mannors by the hands of the Farmors, Re ceivers or other Occupiers of the same, for the time being, at the Feasts of Saint M. the A. and E. by Equal portions together, with all either profits, Rights, Commodities, Jurisdictions, priviledges, Preheminencies, and Emoluments, from the faid Offices arising, or in a ny manner percaining, and whereas the same E. before the making of the faid Letters Patents, (that is to fay) (Such a Day and year) came to his full age of one and twenty years, and by virtue of the Letters Patents aforefayd, was feized of the aforelayd Office of Steward of the aforefaid Mannor of Mass of his Freehold for the Tearm o his life, land that Office from the aforesaid (Such a Day and year) for one whole year then next following, well and faithfully had, exercised, and executed, and the Vailes, Fees, and Profits, to the faid Office of Steward, of the Manners of M. afore faid, from ancient time due and accustomed

accustomed by the same time, had received and had; the aforesaid ?. and C. machinating very much to greive him the faid E. and greatly to diftrub him the faid E. of the Exercise and Execution of the aforefaid Office of Steward of the Mannor of M. aforefaid, and wholly to frustrate and hinder him the faid E: of the Vailes, Fees, and Profits . which by Reason of the Execution of that Office, he might and ought of Right to have and receive, of their own wrong without any Right or lawfull Authority or licence of him the faid E: (Such a Day and year) at M: aforelaid, the faid Office of Steward of the fame Mannor of M: did exercise and execute, and from thence hitherto do exercife, execute, and occupy, and all, and fingular the Vailes and Fees, Commodities, and profits to the same Office due, and by reason of the Exercife and Execution of the Office aforefaid, within the Mannor of M. aforesaid, of Right pertaining, have had and received to their proper nse. and the same E. from exercising that office within the said Mannor of M: and the vailes, Fees, Commodities, and profits to the same Office of Right pertaining of Right, have taken and received by Force and Arms, then and there did hinder, and yet do hinder, and other Enormities , &c: Trin. 7: fac: Rot: 2612:

ND the aforesaid R. and I. as to any Trespass in the aforesayd challenge to peice of Land of new affigned above supposed to be done, he the Villiage faith, that he is not guilty, and of this, &c. and the faid Plaintiff like for that, that it is within the wife. And hereupon the same T. saith, that the aforesaid Village of E. diftrese of the is within the Hundred of S. and within the Rape of Hafting in the Plaintiffs and County aforesaid, and that the same T. is Lord of the Rape aforesaid, the Venire and that the Free-Tenants within that rape; are within the Diffres Facias of the of him the faid T. P. and that the Village of W. within the Hundred of next Villiage without the E: in the County aforesaid, is the next Village to the said rape of H: Hundred. aforesaid next adjoyning, and for that cause, the same T: prayeth the Writ of our Lord the King, of causing to come, twelve, &c: to try the Issue aforesaid of the Visenage of W: aforesaid, and because the faid R: and I: this have not denyed, but have confessed the same to be true, it is granted to him, &c. Therefore it is commanded, &c : Twelve, &c: of the Vilenage of W: aforefaid, &c: Trin. 10. fames Rot. 1716:

Trespasse upon the Case.

B. Esq; complaines of Peter M. in the custody of the A Declaration Marshall Marshalleys of our Lord the King, before our faid in Trestalle of . Lord the King, being for that, (that is to fay) Where- the case against as the aforefayd P. (Such a day and year) and long be a common Carfore and alwaies after, hitherto was, and yet is a common Carryer, mer for lose of from the City of Exceter, in the County of the same City, unto the rid to bim.

City of London, and from the City of London, unto the aforefave City of Exceter: And the same P. the same day and year, and long before, and continually after, hitherto was used and accustomed by himself and his Servants, upon the Horses of him the fayd P. to earry Goods and Chargels for any manner of perfons, for a reasonable and a lawfull Scipend and Salary in that behalf therefore to be paid to be carryed to and from, and between the aforefayd City of Back ceter and the aforelayd City of London, according to aufuall agreement and payment in that behalf to be made and had: And whereas alfo, according to the Law and Custome of this Realm of England: All fuch like common Carryers, who do receive Goods and Charrels of any manner of persons, so to be carryed, for a reasonable and lawfull Stipend and Salary, therefore to be given or paid, are bound to keep and carry the same Goods and Chattels of such like persons so received, without spoiling, withholding, or looking of them: So that for, or by the default of such common Carryer, no Damage should in any manner happen to such persons, by carrying of their carriages: And whereas the aforelayd P. the (aforelayd fuch a day and year) at L (that is to fay) in the Parish, &cc, Had taken upon him to carry one Trunk fast locked, with divers Moneys, Goods, and Chattels. of him the layd G: to the value of a hundred Pounds in the fame Trunk, then being fafely and carefully, from the aforefayd City of Exceter to, and unto the aforefayd City of London, and for a certain and usuall Scipend, Salary, and rate, for carryage of the layd Trunk, Moneys, Goods, and Chattels, aforefaid, by the aforefaid G. to the aforelaid P. then alterwards to be paid: And whereas the aforefave P. afterwards, to witt (Such a day and year aforefayd) at the City of Exceter aforefaid, received of him the fayd G. the Trunk aforefayd. with the Moneys, Goods, and Chattels aforefaid, in the fame Cheft then as aforefaid being locked, in form aforefaid to be carryed: The afore aid P. the Trunk afore ayd, with the Moneys; Goods. and Chattels aforefayd, of him the fayd G. afterwards, to witt I Such a day, and year, and place) did fo negligently and improvidently. keep and carry, that divers Moneys, Goods, and Chattels, of him the fayd G. (in the fayd Trunk as aforefayd, before that being locked) (that is to fay) fifty pounds in Money numbred, one payre of black laced Garters, to the value of twelve shillings, one gold imbroydered Girdle, to the value of twenty shillings, and one, &c. to the value of, &c. By the negligent custody of him the fayd P. then and there loft, were taken and carryed away by persons, to him the sayd G. ale together unknown, so that he the sayd G. those Moneys, Goods, and Chattels, last mentioned, from thence unto the day of fuing this Bil to witt, (fuch a day and year) hath not received nor had although the aforesayd P. by him the sayd G. afterwards, to witt (Such a day, year, and place) hath been often required to deliver to him

the fand G. the Moneys, Goods, and Chattels aforefavd, to as a forelayd loft, whereupon the same G. sayes, That he is damnified and hath Damage to the value of a hundred pounds, and thereupon he brings his Suit. &c.

M Iddlefex, J. A. W. Gentleman, complains of F. W. Gentle- Cafe against a man, one of the Clarks of Robert Heath Knight, and George Clark of the Paule Knight, chaif Clarks of our Lord the King, of the Pleas in the Kings Bench Court of our fayd Lord the King, before the same King affigned to and filing a be Inrolled, according to the Liberties and Priviledges, &c. prefent Bayle without here in Court in his proper person, for that (that is to say) Where- warrant. as otherwise, to witt, in the Term of Saint Michaell, in the feventeenth year of King James, late King of England, one Thomas Morgan Efg; and Rachell his Wife, profecuted out of the Court of the fayd late King, the same Court then being at Westminster, in the County of Middlefex, a cercain Writ of Latitat, of him the fayd late King. then directed to the Sheriff of Shropshire: By which faid Writ, he the fayd late Lord the King, then commanded the then Sheriff of S. that he the faid then Sheriff, should take the aforefayd A. W. if he then should ibe found within his Bailywick, and him should fafe keep, so that he might have his Body before the fayd late King at Westminster, on Thursday, after eight dayes of the Purification of the bleffed Virgin Mary, to answer the aforefayd T. Morgan and R. his Wife, of a Plea of Trespasse, which fayd Writ afterwards, and before the return of the same, was delivered to one Thomas Harris Ela: then Sheriff of S. at L. in the aforesaid County of S. in form of Law to be executed: By virtue of which faid Writ, he the faid A. W. after and before the return of the fame, to witt, the twenty fecond of January, in the seventeenth yeare aforesaid, by the aforesaid then Sheriff of S. at L. aforesaid, was taken and Arrested, upon which he the faid A. W. did put in sufficient Manucaptors. for his appearance before the faid late Lord the King at Westminfler, to the then Sheriff, at the day of the return of the same Writ. and according to the Exigence of the Writ: And whereas also the aforefayd F. long before, and at the aforefaid day of the Return of the Writ aforelayd, was one of the Attorneys in the Court of our layd late Lord the King, before him the fayd late Lord the King, at W. aforefayd: And so being an Attorney, he the fayd F. at the return of the same Writ, to witt, the aforesayd Thursday next, after eight dayes of the Phrification of the bleffed Virgin Mary, in the same Court at Westminster aforesayd, as the Attorney of him the layd A. and for him the same A. at the Suit aforesaid, without any Warrant or Consent of him the fayd A. he did appear, and did put in then there, a certain Bail for him the fayd A. at the Suit of the layd T. M. and R. without any Warrant or Confent of him the layd A. Up-

A. Upon which favd appearance, the aforefaid T. M. and R. as Fr. ecuteix of the Testament and last VVill of D. K. lately, ov. in the Term of Saint Hillary, in the seventeenth year aforesaid, in the same Court of our favd late King, before him the favd late King at VVellminster, without the consent of him the favd A, they impleaded the aforesaid. A. of a Plea, that he render him four hundred pounds of lawfull Money of England, upon a certain VVriting Obligatory to him the favd D. R. in his life time, by him the favd A. made, which as they favd he then unjustly detained from them; and in fuch manner it was thereupon proceeded in the fame Court, that the aforefaid T. M. and R. afterwards, to wit, in the Tearm of Eafter, in the first year of the King that now is, in the aforefayd Court of our faid Lord the King that now is, before, &c. at W. that they recovered against the aforesaid A. W. as well the aforesaid four hundred pounds. of the Debt aforefaid, as nine pounds ten shillings and ten pence for their Damages which they the faid T. M. and R. fustained, as well by reason of the detaining of the same Debt, as for their Costs and Charges, by them about their Suit in that behalf laid out, whereof he the faid A. W. was convicted, as it now appears to the faid Lord the King of Record : Notwithstanding he the faid A.W. in fact favth. That he she faid A. W. gave not to him the faid F, any Warrant to appear at the Suit aforesaid, nor at the Suit aforesaid, to put in any Bail, nor ever retained or requested him the fayd F. to appear or put in Bail for him the fayd . in the Court aforesaid , at the Suit of them the fayd T. M. and R. or any other person or persons whatfoever, nor in any manner to be the Attorney of him the fave A. in the Suit aforesaid: But he the sayd F. plotting and fraudulently intending the aforesaid A, in that behalf, craftily and subtlely to deceive and defraud, the aforefaid Term of Saint Michaell, in the year aforesaid, of his own meer spontaneous will, without any retainder. notice, or consent, of him the fayd A. did appear and put in the Bail aforesaid, for him the sayd A. Whereupon the sayd A. sayth. That he is damnifyed and hath Damage to the value of five hundred pounds, and thereupon he brings his Suit, etc.

Gafe against an Inn-Keeper for Money delivered to him by one of his. Guests.

Clouc. st. Thomas Low complaines of Thomas Watkins Innkeeper, of the common Inn called the Crowne in Newport in the County aforesaid, in the sustody of the Marshall, &c. For that (that is to say) whereas according to the custome of the Realm of the Lord the King of England, Innkeepers which keep common Inns to entertaine men journeying by the parts where such Inns are, and in them lodging (their Goods and Chattels within those Inns being) without diminishment or losse they are bound to keep safe day and night, so that by defect of the sayd Innkeepers or their Servants; damage should any wayes happen to such Guests: And whereas the aforesaid T. W. be-

fore

fore the tenth day of Ottober in the fixth year of King James, and the fame tenth day die hold and keep a common Inn in Wewport aforefaid, and the aforefayd T. L. in the fame Inn as his Gueft, then and there was entertained, yet certaine Malefactors to him the favd T. L. unknowne, the aforesaid tenth day of Ottober in the fixth yeare of King James aforesaid, at 2V aforesayd, in the County aforesaid. a certain Purse to the value of two shillings, and fourteen pounds and feven shillings in money numbred, of the money of him the favd T. L. in the same Purse contained, under the custody of the aforesaid T. W. (in the Inn aforesaid of him the sayd T. W.) by the aforesaid T. L. his Guest lost, for default of due keeping of him the fayd T. W. and his Servants, they took and carryed away, to the damage of him the fayd T. L. forty pounds: And thereupon, &c.

Bor. ff. J. S. lately of S. in the County aforefayd Yeoman, was at- cafe against tached to answer W. F. for that (that is to say) whereas he the one for making fand W. is, and a long time bath been seized of one Meffuage, and ten Trenches croffe Acres of Land with the appurtenances, in W. in the County aforesayd, his way where in his Demessine as of Fee, and that he and all his Ancestors, and all they dred from wawhose Estate he the sayd W. now hath, of, and in the Tenements afore- tering. fard with the appartenances, have had, and have been accustomed to have a certaine way from the Messuage aforesayd unto a certaine Well in W. aforefayd, called R. Well, for to draw and take away water there, and also unto one Acre of Land of him the fayd W. parcell of the Tenements aforefayd, in the Common feilds, called the Outfeilds in W. aforefayd by thorow, and beyond a certaine peice of Land (that is to fay) three Acres of Land of the afore sayd J.S. in W. afore sayd, with all his Carts and Carriages, to carry and re-carry the Corne, Hay, and other profits of the Tenements aforefayd, and to drive and drive back, all and all manner of their Cattell, by thorow, and beyond the aforefayd peice of Land of the aforefayd J. S. by the whole yeare, when soever, and as often as it Bould please him the fand . W. as unto his Tenements afore fand with the appartenances belonging and appertaining; yet the aforesayd J. S. being not ignorant of the premises, plotting him the fayd W. in that behalfe; very much to wrong, and him the fand VV fo to binder, whereby he might be able the leffe to make any profit of the Well aforefayd, for to have mater there, in forme aforesayd, and of the aforesayd Acre of Land of him the land VV. in the Common feilds of VV. aforefayd () uch a day and yeare) by force and armes (that is to fay) with Ploughs, Plough-fbares, Mattocks, Showels, and Spades, the ground of the afore-Sayd peice of Land of him the Sayd J. in VV. aforesayd be didbreak up. and certaine trenches he there made on croffe the way aforefund, by which he the fand W. to come unto the Well aforefand for to have mater there, and to take it away, or his Cattell unto the aforesayd Acre of Land of him the fand W. in the Common feilds aforefand, to bring or bring back

by a great time (that is to fay) from the eforefayd (frich a day and years) unto the day of the exhibiting of this Bill, was no wayes able i And he the fayd W, by that meanes, the profit of the Well aforefayd, and of the aforefayd Acre of Land, which he ought thereupon to have made by the fame time bath wholly loft, and other harmes to him he did, to the great damage of him the fayd W. And against the peace of our fayd Lord the King that now is; whereupon he faith that he is damnified, and bath damage to the value of forty pounds: And thereupon he bring his Suit, &c.

London st.
Case for a Prothonotaries
Clark for Money upon a promise upon his
sprit of Priviledge.

P. Gentleman was attached by a Writ of Priviledge of our Lord the King from the Court here iffuing, to answer T. 9. Gentleman, one of the Clarks of Richard Brownlow Bfa: cheife Prothonorary of the Court of our Lord the King of his Bench here, according to the liberties and priviledges of the fame Court for the like Prothonotaries, their Clarks, and other Ministers of the same Bench, time out of minde in the fame used and approved, of a Plea of Trespas upon the Cale, or a And whereupon the faid T: in his proper perfoncemplaines, that whereas the aforefaid of (fuch a day, yeare, and place) in confideration that he the fayd T. at the foeciall instance and request of the aforesaid ... would Exemplifie a certaine Judgement in the Court of our Lord the King that now is, here, before that time had and obtained, by one E. W. Gentleman, against H. F. VV. A. J. A. and R. B. upon a certaine Verdich for him the favd E. against them the fayd H. VK. J. and R. (before the Justices of our Lord the King at the Affizes in the County of Stafford to be taken, affigned on Thursday the two and twentieth day of July in the fixth year aforesaid at Stafford in the fame County to be held) rendred : And that Exemplification under the hand of the Prothonotary of the same Office in which the Judgement aforefaid, in forme aforefaid, was had and entred, would cause to be figned, did affume upon himself and to him the faid T: did then and there faithfully promife, that he the faid A: would pay to him the faid T: when he should be thereunto afterwards required, such a Sum of Mony, as he the faid T: for his labour and pains in that behalf should reasonably deserve, and all Fees and Expences by him the faid T: to the aforefaid Prothonotary for figning the Exemplification aforefaid to be expended and payd, and he the fayd T: fayes, that he upon the Hope of the faithfull performance of the promise and Assumption aforesaid of the aforesaid A afterwards to wit (Such a Day and year and place) did exemple the Judgment aforelaid, and the same under the hand of Richard Brownlow Esquire cheif Prothonorary of the Court of our faid Lord the King of his Beach here, in whose Office the Judgment aforesaid in Form aforesaid was had and entred then and there caused to be signed and payd to him the faid R. B. for the figning thereof thirty shillings; and that he the faid

faid T. did reasonably deserve to have for his Labour and pains for exemplifying the Judgment aforelaid, twenty shillings, yet the aforelaid A. his promife and Affumption afore faid little regarding, but plotting & fraudulently intending the aforefaid Trin that behalf craftily to deceive and defraud, the aforefaid feveral fums of Mony in the whole amounting to fifty shillings to him the faid T. alchough unto this by him the faid T : Such a Day and year and place, and often afterwards he hath been thereunto required, according to his promife and affumption aforefuld. he hath not as yet paid, but the fame hitherto to pay he hath altogether refused and as yet doth refuse, to the Damage of him the fave T. and thereupon he brings his Suit, &c. Pleadges of profecuting John Dog and Richard Ryo. HE VO Lan . VI to wingo bislandiscipita of arrible Land, to the faid Melhage belonging, centa

N.D whereupon the fayd T. in his proper person complaines, The like as be-A That whereas the aforefaid VV. (Such a day, year, and place) fore for Fees in confideration, that he the faved T. then and continually after for drawing a wards, hitherto one of the Clarks of the aforefaid cheif Prothonatary, Declaration. at the especiali instance and request of the aforesaid VV : would draw for him the fayd VV: a certain Declaration against one T. P. at the Suit of the aforesaid VV. and E. his Wife, of and upon a certain Writ of our fayd Lord the King of a Capias, at the Suit of them the fayd W. and E: against the aforesayd T.P. in the Court of the fayd Lord the King, of his Bench here iffued forth, and there in the Term of Saint Michaell laft paft, recornable, and recurned of a Plea of Covenant broken, of and upon a certain Indenture. between the aforefaid W. and E. of the one part, and the aforefavd T. P: and A. his VVife, of the other part made, bearing Date (Such a day and year) did affume upon himself, and to him the sayd T. I. did then and there faithfully promife, that he the aforefold VV. when after the drawing of the Declaration aforesaid, he should be thereunto required, would pay to him the favd T. fuch a Sum of Money, as he the fayd T. I. in that behalf should reasonably deferve to have: And although he the fayd T. I. upon the hope of the faithfull performance of the aforefaid promife, and affamption of the aforefayd w. afterwards to witt (fuch a day) in the fame Term of Saint Michael, in the nineteenth yeare aforefaid at L. in the Parish and Ward aforefaid, did draw for him the fayd w. the Declaration aforesaid, and did reasonably deserve to have for drawing the same Declaration, forty shillings, yet the aforesaid w. his promise and asfumption aforefaid little regarding, but plotting and fraudulently intending, him the fayd T. I. of the aforefaid forcy shillings, craftily to deceive and defraud, the fame forty shillings or any parcell thereof. to him the fayd T. although unto this by him the same T. after the drawing of the Declaration aforefaid, to witt (Such a day, and year, and place) was thereunto required, according to his promife

and assumption aforesaid, he hath not payd or to him the said T in any manner for the same contented, but the same to him hitherto to pay hath altogether refused, and as yet resuleth, whereupon he saith, That he is damnified and hath Damage to the value of ten pounds, and thereupon he brings his Action, Go. Pleadges of prolecuting John Doo and Richard Roo, Go.

Wilts, ff.
Cafe for obfructing a way
prescribed for
by building a
House.

S. complaines of W. B. in the Cultody of the Marshall of . for that, (that is to fav) Whereas he the favd R. (Such a Day and year) and continually afterwards, hitherto was feized in his Demene as of Fee of and in one Capitall Meffuage called M. in S. in the aforesaid County of VV. and of and in a certain Close of arrable Land, to the faid Messuage belonging, containing by estimation ten Acres, lying and being in a certain Feild called VVaftfeita in S. aforesaid, in the County aforesaid: And whereas also he the faid R. and all they whose Estate he the said R. now hath, of and in the aforefayd Capitall Messuage, and of and in the aforefaid Close of Land, containing by estimation ten Acres with the Appurtenances. by the whole time aforefaid, as also time out of minde, have had and were accustomed to have for themselves and their Tenants, of the fame Capitall Meffuage, and of the aforefaid Close of arrable Land. containing, &c. And the Farmers thereof a certain Wain way and Cart way, to paffe and re-paffe, drive and drive back, all and all manner of their Cattell, and to carry and re-carry, all and all manner their carriages, with Waines and Carts, and for plowing, fowing, and carrying away the Grain, in the aforefaid Close of arrable Land, containing, &c. fowed, and for carrying away of Compasse, from the aforefavd Capitall Meffuage of him the faid R. unto, in, by, and over the Street in the Villiage of S. aforesaid, and from the Street aforelayd, in the Villiage of S. aforefayd, unto, to, and in a certain way in the aforefavd Feild called VVaftfeild, between a certain Stone-Wall, called the new Wall, and a certain peice of arrable Land, of the aforefayd W. B. called the new arrable half Acre, and from thence unto, to, and in the aforesavd Close of arrable Land of him the said R. containing, &c. And so back again from the aforesayd Close of arrable Land of him the fayd R. containing by estimation ten Acres, unto, to, and in the aforesaid way in the aforesaid Feild called VValtfeild, between the aforesaid Stone-Wall called the new Wall, and the aforesayd peice of arrable Land, of the aforesaid VV. B. called the arrable half Acre, and from thence unto, to, in, by, and over, the aforelayd Street in the Town of S. aforelayd, and from thence unto, to, and in the aforelayd Capitall Messuage of him the sayd R. at all times of the year, as unto the aforefayd Capitall Meffuage of him the faid R. S. with the Appurtenances belonging and appertaining, yet the aforesaid VV. B. being not ignorant of the premisses, but plotting and

and maliciously intending him the fayd R: 57 of the Wain and Care way sforefaid , wholy to deprive (Such a Day and year) a certain house mon and one Croffe, the aforefaid Wain and Cart way neer page the South end of the aforefaid ftone Wall called the new wall, between the aforefaid ftone wall called the new wall and the aforefaid peice of Arable Land of the aforefaid W: B: caffed the grable halfe Acre of the afore (aid W. B. at S. aforelaid in the County aforelaid he did erect and build, and the aforefaid House so there erected and built always afterwards hitherto hath most unjustly kept and maintained and as vet keeps and maintaines, by which he the layd R.S. the ufe, profit, and accommodation of the aforefaid waine and Cart way, then and alwaves afterwards hithered bath totally loft, and is deprived of whereupon the same R S. laves that he is damnified, and bath damage to the value of fifty pounds ! And thereupon bring his Suit, &c. Pledges . O.d.

COSSEX f. T. S. lately of 150. was attached to answer Lawrence Cafe upon a Pattock of a Plea, wherefore when as one P. P. of, &c. Grand promife in con-Father of him the faid D. (Such a Day, year, and place) did make his fideration of day given to Testament and last Will in Writing, and by the same Will, did will and pay a sum of bequeath to him the faid L. ten pounds of lawfull Mony of England a money with into be paid to him the laid L. when he the faid L. should attain to the terest for the age of twenty four years, which faid Sum of ten pounds to him the fame. faid Lini Formaforefaid bequeathed at the time of the Bequest aforefaid, was, and yet remains in the hands of the aforefaid T. S. and the aforesaid 7. P. by his Will aforesaid, did further will the aforesaid Sum of ten pounds, thould continue and remain in the Hands of the aforefaid T. S. untill the aforesaid he L. should attain unto the aforesaid age of twenty four years, the faid T.S. paying for the use or interest thereof, yearly after the Death of the aforesaid ?. to the aforesaid, L. or his Assignes, thirteen shillings and four pence to be bestowed about fuch necessaries as he the faid L. fould want, untill the faid L. should attain unto the aforesaid age of twenty and four years, and whereas the aforefaid I. P. afterwards to wit (Such a day, and year, and place) died, and that he the faid L. afterwards, to wit (Such a Day and year) did attain to the full age of twenty four years, and that the aforefaid T. S. from the time of the Death of the faid I. P. hitherto hath not payed to him the faid L. any part of the use or interest aforesaid, so as aforesaid reserved, for the aforesaid 1 of, in the hands of the aforesaid T: S:as aforesaid remaining: The aforesaid T.S. all the premisses aforesaid fully knowing to be true, afterwards, to wit (Such a Day and year) at Eaffgrinsted aforelaid, in consideration of the Premisses, and that he the faid L. at the Especiall instance and request of the aforesaid T. would give him the faid T. Day of payment, as well of the aforefaid ten pounds, fo as aforefaid bequeathed, and in the Hands o the aforefaid

faid T as storefuldremaining, as the Ule and interest shrube fame ten pounds to him the faid L. hythe aforetaid T. from the aforefuld time of the Death of the aforelaid I. P. as aforelaid remaining arrear and unpaid unto (Such a Day and year) then must following, did assume upon him elf, and to him the laid L. then and there did faithfully promise, that he the laid H. L. would pay to him the laid L. as well the aforesaidten nounds to as aforesaid bequeathed, as the Use and Intersell thereof from the aforesaid time of the Death of the aforesaid L. P. untill the aforelaid full age of the aforelaid L. according to the forefaid rate of thirteen thillings and four pence for every year thereof to him the faid L. lo as aforefaid, being agrees and unpaid upon (Such a Day and year,) next following, the promise and Assumption aforesaid in Form aforesaid made, and although he the said La upon the Hope of the Faithfull performance of the aforefaid promife and Assumption of the aforesaid T. then and there to wit, (Such a Day, and year, and place aforesaid) did give to him the said T. day of payment as well of the aforesaid ten pounds so as aforesaid bequeathed, and in the hands of the aforelaid T. as aforelaid semaining, as also of the use and Intorest for the fame ten pounds to him the faid h. by the aforesaid T. from the time of the Death of the aforefaid I. P. as aforefaid being in arrest and unpaid, untill (Such a Day and year aforefaid) And although alfo the Use and Interest of the aforesaid ten pounds from the time of the Death of the aforefaid I. P. unto the aforefaid full age of twenty four years of him the faid L. to wit, by fix years ending (Such a Day and year) next before he the faid L. did attain to the follage of twento four years, according to the aforefaid rate of thirteen shillings and four pence for each year thereof, did amount unto four pounds, which faid four pounds together with the aforefaid ten pounds in Form aforesaid bequeathed, in the whole do amount unto fourteen pounds, yet the aforesaid T, his promise and Assumption aforesaid. little regarding; but plotting and fraudulently intending him the faid L in that behalf Craftily to deceive and defraud, the same fourteen pounds or any parcell thereof to him the faid II. according to his promile and Assumption aforesaid, he hath not as yet payd, but the same to him hither to pay hath alregether refused, and as yet refuseth, to the Damage of him the fayd L. forty pounds, &c. and whereupon he the faid L. by VV. Christmas his Attorny, complains, that whereas one 1. P. &c. (and recite the whole as before) and thereupon he brings his Suit, &c. the a or last that the same same

cafe upon an assumplit for money for wares, where part is payd.

Sofa plea wherefore when as the aforesaid I: (Such a Day, year, and place) in Consideration, that he the said R: at the Especial instance and request of him the said I. had Bargained, Sold, and delivered to him the said I, sifteen Weathers for 11. pounds and 51. one other Weather

Weather for thirteen shillings, ten other Weathers for five bounds fix thillings and eight pence, two Bullocks, forcen pounds and ten thillings, and two other Bullocks for twelve pounds, did affume noon himfelf, soro him the faid R. then and ther did faithfully promife that he the faid I. the aforefaid feverall Sums of Mony in the whole amounting to thirty nine pounds fourteen faillings and Eight pence to him the fard R: when he should be thereunto afterwards required, would well and faithfully pay and content, and although he the faid I. afterwards to wit (Such a Day, year, and Place) payd and fatisfied to him the faid R twelve pounds and eight shillings of the aforesaid thirty pine pounds, fourteen shillings and eight pence, yet the aforefaid I. his bromile and affumption a forefaid, as toxwerter fever pounds fix thillings and eight pence of the aforelaid thirty hine pounds fourteen hillings and eight pence refidue, little regarding, but plotting, and fraudulently intending him the fayd R. of the aforefaid twenty feven pounds fix shillings and eight pence craftily to deceive and defraud, the fame ewenty feven pounds fix shillings and leight pence to him the fave R. alchough unto this by him thedayd Rafterwards fuch a day and year) at Croydon aforefaid the hath been thereunto requested, according to his promise and affumption aforefayd, he hath not payd, or in any manner for the same satisfied, but the same to him hicherto to pay, he hath altogether refused, and as yet refuses, to the Damage of him the faid R forey pounds, or. nand whereupon the faid R. by T. Damling his Actorny, complains, wherefore when as, &c. (and fo recite it as before) and thereupon he brings his Suit . &c.

7 H. complains of I. . in the Custody of the Marshall , Devon, ff. oc forthat (that is to fay,) Whereas the aforefaid I: the cafe upon a fixth Day of February) in the year, Sec. at Uxborough in the County promife to beaforesaid, in confideration, that the aforesayd w. at the Especiall in-come security stance and request of him the said I would lend and deliver unto one in considerati-B. H. ten pounds of lawfull mony of England (to be forborn by the money to be space of fix Months then next following, (that is to fay) from the fame lent with forfixth Day of February in the fifteenth year aforefayd, (unto fuch a day bearance. then next following) did affume upon himself and to the aforesaid W. then and there did Faithfull promile, that he the faid I. for the fame B. and together with him the faid B. one 7. H. would become bound and obliged to the aforefaid w. in the Sum of twenty pounds of lawfull mony of England, with Condition for true Payment of the afore-(aid ten pounds to the aforefaid VV. or his Affignes, in and upon (Such a Day then next following) And he the faid W. in Fact fairb, that he the faid VV. trufting to the Promife and Affumption aforefaid, of the aforesaid ?. afterwards to wit (Such a Day year and Place) at the said inftance and Request of him the faid 7. did lend and deliver the aforefand B. the aforelaid ten pounds to be forborn for the space of the a-

aforefaid fix Months (that is toolky) from the (fame, &c.) yet the aforefaid 7. A. his Promise and Assumption aforesayd, little regarding but Platting and fraudulently intending the aforefaid VV, in that behaif, craftily and fubtilly to deceive and defraud, although he the faid VV. afterwards to wit (Such a Day year and Place) did offer to the at foresaid It his certain Writing, with Wax and Labels thereunto fixed. containing in it that he the faid W. together with the aforefaid B. H. and J. H. thould be bound to the aforelaid W; in the aforelaid Sum of twenty pounds, with condition for payment of the aforesaid Sum of ten pounds to the aforelaid W. in and upon the aforelaid eighth day of February, and then and there requested the aforesaid ?. A. to feal, and as his Deed to deliver to him the faid VV: the faid Writing abon which he the faid I. A. to feal and deliver to him the faid VV. as his Deed that Writing, he did then and there wholy refuse: And the a oresaid I. A. or the aforesaid B. H. and I. H. or any of them the aforefaid ten pounds or any parcell thereof, to the aforefaid VV. they bave not as yet payd, nor any of them bath payd, nor in any wife for the same have hitherto given content, whereupon the said VV. faves. That he is damnifyed and hath Damage to the value of thirty pounds, and thereupon he brings his Suit, co. Pleadges of profecuting, &c.

Glouc. st.
An Action of
the Case upon an assumpsit to
pay money for
Land contracted for.

B. complaines of W. B. in the custody of the Marshall, &c. I for that (that is to fay) whereas the aforesaid R. (fuch a day and year) was feized of and in one Messuage and two Orchards with the appurtenances, scituate, lying, and being in S. in the County aforesaid, in his Demesne as of Fee, and so being thereof seized, afterwards, to wit, the same day and yeare at S. aforesaid in the County aforefaid, certaine communication was had and moved between them the fayd W. and R. of and concerning the Sale and affurance of the Messuage and Orchards aforesayd, to him the sayd W. by the aforefaid R. to be made: And upon that communication it was then and there concorded and agreed between them the faid W. and R. that he the fayd R, within fourteen dayes then next following, should convey and affure to the aforesaid W. and his heires, the Messuage and Orchards aforesaid, by such Conveyance and Assurance, as by the fayd W. should be devised, and that be the fayd W. should give and pay to the aforefaid R. for the Messuage and Orchards aforesaid, two hundred pounds of lawfull Money of England in manner and forme following, that is to fay, one hundred pounds parcell thereof at the time of the fealing and delivery of the Conveyance and affurance aforesaid, and a hundred pounds at the feast of the Annunciation of the bleffed Virgin Mary, which should be in the year of our Lord one thousand fix hundred and ten: And that the aforesaid W. should give and deliver to him the fayd W. immediately, one Gelding, for,

and in confideration of forbearing payment of the hundred pounds last mentioned unto the Feast aforesaid : And that he the sayd R. then and there, upon the concord and agreement aforelayd in forme aforefaid made, had and received of him the fayd W. one Angell of Gold of the value of ten shillings, in part of payment of the same two hundred pounds, whereupon after, to wit (the same day, yeare, and place) in confideration that the aforefayd R, then and there at the speciall instance and request of him the sayd W. had assumed upon himselfe, and to the aforesaid W. had then and there faithfully promifed to convey and assure the Messuage and Orchards aforesaid with their appurtenances, to the aforelaid W. and his heires, according to the concord and agreement aforesaid, he the sayd W. in consideration thereof did assume upon himselfe, and to the aforesayd R. did then and there faithfully promise, that he the sayd VV. the sayd two hundred pounds of lawfull Money of England, and the Gelding aforefaid to him the fayd R, according to the Concord and agreement aforefaid, would well and faithfully pay, content, and deliver, of which faid two hundred Pounds the aforesaid w, had then and there payed the aforesaid R. one Angell of Gold in part of payment thereof: And the aforesaid R, in Fact sayth, That although he the said R. by the space of the aforesaid fourteen dayes, next after the aforesaid Concord and Agreement, and alwayes after, hitherto hath been ready, and as yet is ready to convay and affure to the aforesaid VV. and his Heirs, the Messuage and Orchards aforesaid with their Appurtenances, by such conveyance and affurance, as by him the said VV. should be devised, yet the aforesaid W. little regarding his promise and asfumption aforesaid, but plotting and fraudulently intending him the faid R. in that behalf, craftily and subtlely to deceive and defraud, the aforesaid ninery nine pounds and ten shillings, being the residue of the aforesaid one hundred pounds, first mentioned, nor the Gelding aforefaid to him the faid R, hath not payed or delivered, or for the fame in any manner given content, although he the faid VV, by the aforesaid R. afterwards, to witt (Such a day and year) next after the Concord and Agreement aforefayd, and often afterwards, hath been often thereunto required, by which he the faid R. not only the Gelding aforefaid, and ninety nine pounds and ten shillings, being the residue of the aforesaid one hundred pounds, first mentioned. in Form aforefayd to be payd, hath totally loft, and is deprived of. as also in his Credite, by the default thereof is much hurt and damnifyed, and hath Damage to the value of forty pounds, and thereupon he brings his Suit, &c.

C. Complaines of 9. G. in the custody of the Marshall, &c. promise of me-For that, (that is to fay) Whereas (Such a day, year, and ney upon confplace) certain Communications was had and moved between f. the Marriage. aforelaid

London ff.

aforelayd I. and the aforelaid VV. of and concerning a certain Man mage between him the faid VV. and one H. G. naturall Daughter of him the faid I, to be had and folemnized, upon which faid Comminication, he the faid I then there, in confideration that the aforefaid VV. at the especials instance and request of him the said VV. would take to his Wife, the aforefaid H. and would Espouse the fame H. according to the Ecclefishicall Rights of this Kingdome of Busland, did affirme upon himfelf, and to him the Yard VV. did then and there faithfully promife, that he the faid I. would well and faithfally content and pay to him the faid VV. a hundred Marks of good and lawfull Money of England: And he the faid VV. in Fact fayth. That he the faid VV. trusting to the promile and affumption of him the faid I. aforefaid, afterwards, to witt (Such a day, year and olace) did take to his Wife the aforefaid H. and the fame H. according to the Ecclefiafticall Rights of this Kingdome of England, then and there Espoused, yet the aforesaid I, little regarding his promife and affumorion aforefaid, but plotting and faudulently intending, the aforefaid W. in that behalf, craftily and lubilely to deceive and defraud, the aforelaid hundred Marks or any parcell thereof, according to his promise and assumption aforesaid, to the aforesaid w. he hath not as yet payd, nor in any manner for the fame hitherto given content, although he the faid I. by the afore aid VV. aftetwards, to witt (Such a day, year, and place) harh been thereunto required, by which he the faid VV. divers Commodities, profits, and Advantages, which he with the aforefaid hundred Marks, by birying and felling, might have had and gained, if the aforefaid I. his promife and affumption aforefaid, in form aforefaid had performed: hath totaly lost and is deprived of, whereupon the faid VV. fayth, That he is damnifyed and hath Damage to the value of a hundred pounds, and thereupon he brings his Suit, &c. Pleadges, &c.

A Declaration STaff. St. T.R. lately of H. in the County aforefail and M. his Wife, in Trespase of S.B. of &c. were attached to answer W.G. Elg; of a Plea, that the Case for a whereas he the said W. stood seized of the Mannor of A. with the appearances in the County aforesaid in his Domesne as of Fee, which said cient Demesne. Mannor with the appurtenances, is, and from the time whereof the contrary is not extant in the mem ry of man, was of the Ancient Demesne of the Crowne of our Lady the Queen that now is: And all Lands and Tenements which are held of the same Mannor, from the whole time aforesayd were pleadable and to be pleaded in the Court of the same Mannor, before the Bailiss and suitors of the same Court for the time being, and not elsewhere, according to the custome of the same Mannor for the asoresayd whole time used in the same; yet the aforesayd T.M. and S. not ignorant of the premises, devising him the said W. of the profits of the source of the Mannor aforesaid, subtlety and deceivisely to

defraud,

defrand, have lenged a certaine Fine in the Court of our Sayd Lady the Queen at Westminfter, to wit, on eight dages after Saint Michael in the fewenth yeare of ber Raigne, before James Dyer Knight, A. B. R. W. and J. W. Justices of our Sayd Lady the Queen of her Bench, and other faithfull Subjetts of our sayd Lady the Queen then there present, betwien the aforesaid S. B. Plaintiff, and the aforesaid T. R. and M. Deforcients, of twenty Acres of Land, ten Acres of pasture, and twenty Acres of wood with the appurtenances in A. and F. in the County aforee faid, which fayd Tenements with the appurtenances, are, and at the time of the lewying of the same Fine, were held of the Mannor aforesaid, and from the whole time aforefaid, unto the day of the levying of the same Fine in the Court of the faid Mannor, according to the custome of the faid Mannor were pleadable and pleaded, by means of which faid Fine the same Tenements with the appurtenances, became pleadable and pleaded at Common Law, to the manifell danger of the disinheriting of him the faid W. and to the damage of him the fayd VV. forty pounds: And thereupon he the faid VN: by H. VV. bis Attorney complaines, that whereas he was feized of the Mannor, &c. and fo recites the whole word by word as before :) And thereupon be brings his Suit.

CHropshire ff. And whereuponthe aforefaid R. by T. H. his Attor- An Action of Duey complaines, that whereas he the fayd R. is a true and faithfull the Cafe by one Leige Subject of our Soveraigne Lady the Queen, and bath continued indited of Fealmaies of a good name and fame, and thereof with all honest, grave, quitted as to and discreet men and his Neighbours, hath been held, called, and reputed, the party inyet the aforesaid H. not ignorant of the premises, plotting the aforesaid diting bim,&c. R. most unjuftly to greive, and his good name and state to burt, detract, Hill, 10.Q. and damnifie, and him the fand R. to bring into trouble, vexation, and E. Rot. 701. infamie, as also the same R. wholly to destroy and bring to nought, he the said R. for that he (such a day and yeare) by force and armes at C. in the County of M. five Comes of the price of fix pounds of the Goods and Chattels of him the faid H. at C. aforefaid found, he did fellonion ly take and lead away, against the peace, Crowne, and Dignity of our Lady the Queen, canfed to be Indited, and him the faid R. upon that occusion to be taken and layd in the Prison of our Lady the Queen of her Castle of Ludlow, untill before the beloved and faithfull of our faid Lady the Queen, H. Sidney Knight of the most Noble Order of the Garter, Lord President of the Marches of Wales, and other Commissioners, Instices of our sayd Lady the Queen (for the Goal-delivery of the said Prisoners in her Castle of Ludlow aforesaid being) assigned at a speciall Seffions held at Ludlow aforefaid in the County aforefaid, the (fuch a day and yeare) according to the Law and Custome of our faid Lady the Queen of England, was thereupon acquitted, did procure him to be falfly and malicionfly detained, by which he the fayd R. not onely in his name and good fame, is much burt and impaired, but also in his Goods and:

and Estate, by the reason of the same imprisonment and vexation, hee Bands very much impoverished, mearied out, and oppressed, to the damage of him the sayd R. forty pounds: And thereupon he brings his Lition, &c.

An action of the Case against a Steward for not taking secur ity upon a Replevin, Hill. 20 Jac. Rot. 2967.

Louc. f. R. S. lately of C. in the County aforesaid Gentleman, was accached to answer C. B. of a Plea, that whereas he the faid C. (Such a day and year) was possessed of four Cows, one Heifer. and one Calf, of the price of twenty pounds as of his proper Cattle And whereas the aforesaid R. the same day and year aforesaid, and being before was and yet is Steward of the Hundred of B. in the County aforesaid : And the said C, so of the Cattell aforesaid, in Form aforelayd being possessed: And the aforelayd R, being as is aforefayd, Steward of the aforefayd Hundred of B. the aforefayd R. maliciously plotting the aforesaid C. of his Cattell aforesaid, to deceive and to defraud, the aforesaid day and year, by colour of his Office aforefaid, the aforefaid Cattell at B. aforefaid, being found within the Precinct of the Hundred aforefaid, at the complaint of one H. S. pretending the faid Cattell to be the proper Cattell of him the faid H. and he the tayd C. to have taken the tame Cattell, and them to have unjustly detained, against Sureties and Pleadges caused them to be repleived out of the Possession of him the fayd C. and them to the aforefayd H. caused to be delivered: Whereas in truth the propriety of the afore and Cattell, at the time of the Replevin afore land made, and long before was to him the fayd C, belonging, and not to the aforelayd H. And the aforesaid R. at the time of the replevy aforefayd made, or before or afrer, took not, nor caused to be taken. any Pledge or any fecurity of the aforefayd H. to profecute the Plaint of him the fayd H. against him the fayd C. for the taking and unjust detaining of the Cattell aforefayd, and to make return of the same Cattell to him the faid C. if the return of them should be adjudged to him the faid C. as by the Law and Custome of this Realm of England, and the dury of his place aforesaid he ought to have done: And the aforefaid H. after the delivery of the Cattell aforefayd, to him the fayd H. by meanes of the Replevin aforefaid, the same Cattell to places to him the faid C. unknown he did Eloyn: So that he the favd C. could not cause to be replevyed unto him the said C. the same Cattell, or otherwise have them back again : So that the aforesaid C. of his Cattell aforelayd remaines totally deprived, to his Damages hundred and forcy pounds: And thereupon the aforefaid C. by VV; Smitheir his Accorney complaines, that whereas he the faid C. (Such a day and year) and so recite it word by word, to the Damage, oc. the property of the contract of the contract of

Torf. f. E. W. was attached to answer R. G. Gentleman, one A Declaration of the Attorneys, &c. of a Plea of Trespas, of the Cafe, &c. And for an Attorney whereupon the faid k. in his proper person complaines, that where- for Fees for as the aforesaid E. (Such a day year and place) in consideration prosecution in Chancery, Trin that he the fayd R. at the speciall instance and request of him the 20 Jac, Rot, favd E. would profecute for him the favd E. out of the Court of 3180. Chancery of our faid Lord the King, a certain Writ of the lame Lord the King, of Subpana to VV. A. R. M. and P. C. to be directed, did affume upon him, and to him the faid R. G. did then and there faithfully promise, that he the aforesaid E as well all fuch reasonable Sums of Money, as the aforesaid R. G. in and towards the profecution of the fame Writ for him the faid E. should deposite and lay out, as also three shillings and four pence for the labour of him the faid R. G. in that behalf bestowed to him the favd R, when he should be thereunto after required, would well and faithfully content and pay: And whereas also the aforesaid E. afterwards, that is to fay (Such a day, year, and place) in confideration that he the lavd R. G. at the like instance and request of the aforesaid E. would canse to be written, and exhibite for him the faid E. in the aforefavd Court of Chancery of our fayd Lord the King, a certain Bill in the name of him the fayd E. against the aforesayd VV. A. &c. Of and concerning the detaining of a certain Writing Obligatory, by which the fayd E. was held and bounden to the aforefayd VV. inten pounds, for the payment of five pounds, at a certain day in the Condition of the same Writing mentioned, and the Suite upon the same Bill for him the fayd E. against the sayd W. in the same Court of Chancery, would profecute and folicite as long as the fayd & and R. G. should please, did assume upon him, and in like manner to him the fayd R. G. did then, to witt (Such a day, and year, and place) aforesayd, did faithfully promise, that he the aforesayd &. as well three shillings and four pence, of lawfull Money of England for the labour of him the fayd Robert in that behalf bestowed, for every Term wherein he the favd R. G. the Suit aforefavd in the fame Court of Chancery upon the Bill aforefayd against the aforefayd VV. should so profecute and solicite, as all such reasonable Sums of Money as he the fayd R. in and about the profecution and folicitation of the same Suit upon the Bill aforesayd, for him the sayd E. should lay out and Expend to him the faid R, when in like manner he should be thereunto required, would well and faithfully content and pay : And although he the layd R. G. upon the hope of the faithfull performance of the aforefaid promise and assumption of the aforesaid &. the aforesaid (Such a day and year) did prosecute for the aforesaid E. out of the aforefaid Court of Chancery of our fayd Lord the King (the same Court of Chancery at VVestminster in the County

of Middlefex then being) the aforefayd Writ of Subsena, to the aforeford W. A.R. M. and P. directed: And although afforthe fame F. three shillings of lawfull Money of England, in and about the profecution of the fame Writ to divers Officers, Clarks, and Ministers of the aforeland Court of Chancery, for the aforeland & did then lay out and expend . And although also the same R. afterwards to witt (Such a day of June in the Term of the holy Trinity, fucha year) aforesaid, did cause to be Weitten and exhibited for him the fand E. in the aforefaid Court of Chancery of our faid Lord the King, the fame Chancery at VVoltminker, then being the aforefaid Bill, in the name of him the faid & against the aforefaud we A of and concerning the detainder of the favd Writing Obligatory, and the aforesaid Suit upon the same Bill for him the said E. against the said W. in the fame Court of Chancery, in the fame Term of the holy Trinity, and the Term of Saint Michaell then next following. did profecute and folicite: And although also the fame R. G. five pounds three shillings and four pence of lawfull Money of Empland in and about the exhibiting the Bill aforefayd, and the profecution and folicitation of the Suit aforefayd, upon the fame Hill against the aforefavd W. in the fame two Terms, to divers Officers, Clarks and Ministers, of the aforesaid Court of Chancery of our said Lord the King, for the aforefaid E. did in like manner deposite and law one: And although over and above three shillings and four pence for the labour of him the fayd R. G. bestowed, in and about the prosecution of the favd Writ of Subpens, and fix thillings and eight pence for the labour of him the fand R. in like manner bestowed, in and about the exhibiting of the Bill aforefaid, and the profecution of the Suit there. upon, for the layd E. against the layd W. A. in the aforesaid two Terms of the holy Trinity and Saint Michaell, together with the aforesaid severall Sums of Money, by him the sayd R. G. for the a forefayd E. in form aforefayd, layd out and fpent, in the whole amounting unto five pounds fixteen shillings and four pence of like Money, yet the aforefaid E. little weighing his leverall promifes and affumotions, but plotting and fraudulently intending him the faid & G. in shar behalfe, craftily and subtlely to deceive and defraud the aforefayd five pounds fixteen faillings and four pence to himthe faid R. G. although unto this by him the faid R. (Such a day, year, and place aforefaid, and often after) he bath been thereunto requested, according to his promises and affumptions afdrefavd be hath not as yet payd, nor in any manner contented, but the fame to him hitherto to content or pay hath altogether refused, and yet refuseth. to the Damage of him the faid R. G. ten pounds, and thereupon he brings his Suite, &c. Pledges of profecuting John Dog and Richard Roe.

The Market Market and the language of the same and

Medical lands on borde field T and an Berry thould THE Defendant to his Declaration pleades, that he did not affume upon himfelfe in manner and form, etc.

D Edf. ff. R. G. lately of, &cc. was attached to answer T. S. Gentle. Cale for words. man of a Plea, that wherem he the faid To is a good true and faithfull Thou are a Luleige Subject of our Lord the King, and his Progenitors, and an under- natick. Trin. handing, rationall, and sensible man, and of good name, fame, and cone Rot. 1807. versation, and of good sound and perfect memory, without any imputation or touch of Lunacy, and over was and yet is sufficient to sovern him-Celfe, bis Manners, Lands, and Tenements, and fo hath been reputed and accounted, as well among ft his Neighbours and other great persons, venerable and faithfull Subjects of our faid Lord the King, and without any Inflition of madneffe or lunary, bath deported, behaved, and governed himfolfe, unrouched and unsported, from the time of his Nativity hitherto : And whereas also the same T. hath been long and yet is feized of and in the Mannor of B. with the Appartenances, in the aforefaid County of Beds, and of and in divers Meffunges, Lands, Tenements, and Hereditaments, with the Appartenances, in the aforefaid County of Bedf. and elimbere, within the faid Realm of England, to the value of five hundred pounds by the year and move, in his Densesne as of Fee: And whereas also otherwise, that is to fay, (Such a day and year) by a certain Inquesition taken at the Town of Bedf. in the aforesaid County of B. the fame day and yeare before P. J. Knight R. P. Efg. Feodary of our faid Lord the King, of his County aforefaid, and P. F. Escheator of our faid Lord the King, of the Jame County of B. Commissioners of our faid Lord the King, by virtue of the Commission of the same King to them directed by the Outh of honeft and lawfull men of the Same Coun-19 of Bedf. it was found that the aforefaid T. S. was a Lunarick fo that he was not then nor before that time, of fufficiency to have the government and govern his Mannor, Lands, Tenements, Goods, and Chattels: After mbich faid Inquisition, so as aforefaid found, the aforefaid T. S. before our faid Lord the King, in his Court of Wards and Liveries. according to the Law of the Land of this Kingdome of England, and the course of the same Court, did obtain lycence to traverse the Inquisition aforefaid, so found as aforefaid.

After which faid Licence fo as aforefayd obtained to wit the Tearm fo Easter, in the year of the Rain ofour Lord the King the twentieth it was in such wife professred in the fame Court of our faid Lord the King of his Wards and Liberties, that the aforefaid T. S. by the Order and Decree of the fame Court, was effected and adjudged to. be an able man, and of found Judgment, and fufficient to govern himfelf, his Mannors, Lands, Tenemente, Goods, and Chartells, and that at the time of the inquitition aforefuld taken, he was of Good and Sound

Ee 2

Memory

Memory, and that he the faid T, and his state should then and from thence frand and be discharged from any thing in the same inquisition contained to his prejudice, and from all imputation of Lunacy, as by the same Decree in the same Court of our faid Lord the King of his Wards and Liveries now remaining upon Record it may more fully appear, and whereas also the same T. S. at the time of the taking the Inquificion aforesaid, was possessed, and ever after hitherto was and is possessed of divers Goods, Chattells, and Merchandizes, to the value of feven hundred pounds or more, yet the aforefaid R. not being ignorant of all the Premisses aforesaid, being instigated by a Devilish mind, and plotting and intending not only to Weaken, Damnify, and Disturb the State, Title, Interest, and Possession of him the faid T. in the Mannor, Lands, Tenements, Goods, Chattells, and Merchandizes of him the faid T. aforefaid and to Wrest them from him the faid T. and him the faid T, and the Mannor, Lands, Tenements, Goods, and Chattells aforesaid, as Lunaticks to bring into the Custody of our faid Lord the King that now is, unjustly and wickedly, and without any just cause, as also to hurt Detract, and damnifie the Good Name; Fame, State, and Liberty of him the faid T, and to incur the Losse of all his Goods and Chattells, (Such a Day, year and place) these falle fained and Scandalous words followingto him the said T. and of him the faid T. in the presence and hearing of many the Subjectsof our faid Lord the King then and there present, did Speak, Pronounce, and publish in these English words tollowing, (That is to say) Thou (meaning the aforesaid T. S.) are a Lunatick; by means of the Speaking, Pronouncing, and Publishing of which faid feined, falle, and Scandulous words the faid T. S. is not only in his Good Name. Fame, Credit, and Estate, very much hurt and wronged; but also in his Actions, and doing of his lawfull and honest bufiness is many ways injured and worsted, to the Damage of him the said T, forty pounds, and thereupon he the faid T. S. by A. B. his Actorny, complaines. that whereas he the faid T. S. is a Good, True, and Faithfull Subject &c. (And recite the whole word by word as before) and thereupon he brings his Suit, Occ. integlo of the dated and alternate to the

A ND the aforesaid R, by L. D. his Attorny, comes and defends the Force and Injury, when, &c. and the said R. By protestation saith, that after the Inquisition aforesaid in Form aforesaid found, the aforesayd T. S. did not obtain licence to traverse the same Inquisition so found as aforesaid; by protestation also, that after the same licence obtained (that is to say) the aforesayd Tearm of Easter, in the eighteenth year aforesaid, of our said Lord the King that now is, it was not in that manner prosecuted in the aforesaid Court of our said Lord the King, of his VVards and Liveries, that the aforesaid T. S. by the Order and Decree of the same Court, was Esteemed and adjudged

to be an able man and of found Judgment and fufficient to Governhimfelf, his Mannors, Lands, Tenements, Goods; and Chartells, and at the time of the Inquifition aforefaid taken, was of Good and Sound Memory, and further, that he the faid T. S. and his Effate, then and from thence after, should stand and be discharged from any matter in the fame inquificion contained, to his prejudice, and from the imputasion of Lunzey, as the aforefaid T. S. by his writ and Declaration aforefaid hath above therein supposed for Plean he the faid R. faith that it is well and true, that by the Inquifition aforefaid in manner and Form aforefayd taken, it was found, that the aforefayd T. S. was a Lunatick, fo that he was not then non before that time fufficient to have the Rule, and Government of his Mannors, Meffuages, Lands Tenements, Goods, and Charrells, by which he the faid R. Cthe aforefaid Day and year in the Declaration) aforefaid above foecified. fpake of the aforefayd To S. thefe English words following (that is to fav) Thou (meaning the faid T.) was a Lunatick of as in was lawfull for him to do, without that that he the faid Rapake of the aforefaid T. the aforefaid English words in the Declaration aforefaid above foecified (that is to lay) Elion (meaning him the faid Tai) (are a Lunarick) as the aforetaid T, hath above against him declared, and this he is leady to average at a guild all the Lind por to sent ful of the be lame Tearin of Saint Mich ed., upon which faid VVict. "if

A N D the aforefaid T. fayes, that he by any thing by him the faid R. before alleadged ought not to be Debarred from having his A-Gion aforefayd, because be faith, that the aforefayd R. Spake of the afore and T. the afore and English words in the Declaration afore aid above specified (that is to say) thou (Meaning him the said T.) art a Lungrick, as the aforefayd T. hath above against him complained, and this he prayes may be inquired of by the Country, and the aforelayd R. in like manner, therefore Command is given to the Sheriff; that he cause to come twelve, &cc. ner Dentiges which theenad by Reafon at the Derahale

TUntingdon ff. M. W. Gentleman, was attached by a writ of pri- cafe by a fureviledge of our faid Lord the King to answer R. S. one of the At- ty against the forneys, &c. according tombe liberties, &c. of Plea of Trefpas upon principall for the Case, &c. And whereupon the said R. in his proper Person com- barmelese, plains that whereas he (Such a Day and year) at G: at the speciall in- Trin. 20. Jac. flance and request of him the faid Mand for the Debe of him the faid Rot, 3281. M: by his writing obligatory, had become bound and obliged together with him the faid M; to one A: W. Vidow, in twenty two pounds of lawfull Mony of England, with Condition upon the same VVricing indorted for the true Payment of ten Pounds ten shift lings of like Mony upon (Such a Day) then next following, the aforefaid M. in Consideration thereof, the aforesaid, (Such a Day and year aforefaid.) at G: aforefaid did assume upon himself to him the faid !

faid Ra did then and there faithfully promife, that he the aforefaye Me the fame R. from the Writing obligatory aforelaid, and of the aforeign twenty pounds in the fame Writing contained, as also from all Suits for the aforefaid twenty pounds, against the said A. W. would discharge and save harmstelle, yet the aforesaid M: his promise and Affunction aforefaid, little weighing, but plotting and fraudulently intending him the laid Rein that behalf brafeity and fubrilly to deceive and defraud, the croreflyd ten pounds and ten fhillings in the Condition onaforefaid, above forcified to the faid A: VV. bath not payd, nor him the faid A. against the faid A. VV. of the aforefaid twenty two pounds, according to his promife and Assumption aforesaid, hath not his hereo in any manner discharged or faved harmless, by the which the land A.W. after, that is to wit in the Term of Saint Michael in the elighteenth year of the Kings Raign that now is, did implead him the faid R: of and upon the faide Writing obligatory, by an original! Writ of our faid Lord the King by her the faid of (the Date of the Originall) then talt past out of the Court of Chancery of our faid Lord the King, (the fame Chancery at Prefrain for the County of Attachefes, then being) iffued forth and professed, directed to the then Sherift of the aforetaid Councy of Hanrington and recurriable, and recurred before the Justices of our faid Lord the King of the aforefaid Bench. the same Tearm of Saint Michaell, upon which said VVrie, it was in fuch manner proceeded in the fame Court, here between the faid at. and him the faid & after appearing in the fame Court here upon the Plea aforefaid, that the aforefaid A after, to wit, in the Tearm of Saint Michael, in the ninetdenth year of the King that now is, before Henmy Hobart Knight and Burenet and his Fellowes then Inflices of our faid Lord the King of his Bench here, to with V Voltasinster aforefaid. by the Confideration of the Ame Court, did recover against him the faid R as well the aforefaid Debt of Twenty pounds as forcy faillings which to her the faid A. in the same Court here were adjudged for her Damages which sheehad by Reason of the Detainder of the same Debt, whereof he was convicted; and he the faid R. afserwards, that is to fay (Such a Day and year) to avoid the imprisonment of his Bo ay and other Bordens and Expences, was compelled to pay and fatisfic to her the faid A, the Debrand Damages aforefaid by the aforefaid A. against him the said Ruin Form aforesald recovered, by which he the faid Re in his Goods and Charrelle was very much dammified to the great Oppression of the State of him the said R, and so the Damage of promise for the him the faid R. forty pounds, and thereupon, oth his

Cafe upon a loane of a Marewhich was killed in

TT Eref. ft. D. lacely of Sec. was apprehed to has wer H. P. of a Ploa, than where no the aforefaid De (fach a day, years, and place) Hil, 22 Jaco- in confider at ion that be the fayed Hat the freciall instance and request of bi Regis Rot, him the faid D. mould tend to with find D. west aims Mare of his the Said

Said Hi for one G: D: the Son of bine the faid De to ride and journy apon the fome Mare from the Town of Li in the County of Cardigan, unto D. in the County of Carmarthen, ded of sime upon him, and to him the faid H. did then and there, to mit (fuch a day , and year, and place aforefaid) faithfully promise that be the faid G. the aforefuld Mare in the fourne aforefaid, would in no manner overlande or any maies opproffs have the fame Mare when he footld by thereunto required to him the faid H: would fafely deliver, and be the faid H: in Fatt faith, that he trafting to the aforefaid promise and Assumption of the aforesaid D: afterwards, (to Wit the aforefaid Day year, and Place) did lend the aforefaid D: the Mare aforefaid for the Jaid G: to ride and journy upon the Jame Mare as aforefaid, and that the aforefaid G: the Mare aforefaid in the journy aforefaid did fo far provoke, overlabour, and with freeh bundens, averlande shat the Mare aforefaid by the Overlabour, riding, and overloading aforefaid. died, and fo the aforefaid D: his promise and assumption aforefaid hath not performed or fullfilled to the Damage of him the faid H: swenty pounds, and whereupon the fame H, by W. Colley bis Attorny, complains, that whereas the afore said D. such a day, year, and place, and so word by word as before) And thereupon he brings his Suit, Oc.

Onder ff. 1. C. complains of 1. G. the Bider in the Custody of the Marshall, de for that , whereas one S. D. and E. Go the yourger, Son of the aforelaid E. G. the Elder (the fourth Day of February for procuring a in the third year. &c.) stood indired for that they the (Such a day Pardon for one and year) by Force and Arms, &c. the Dwelling house of one &. G. Efg: at B. in the County of Effex, about the eleventh hour in the Night of the fame Day, did Feloniously break and enter, and two bundred and fifty pounds in mony numbred, and divers other Goods and Chattells to the value of 26%, of the Goods and Chattells of him the faid E. G. Eigethen and there found did Feloniously and Burglarily take and carry away against the peace of our faid Lord the King that now is, his Crown and Dignities, and whereas also he the faid 1. C. the fame fourth Day of February, &c. nat London in the Patish, erc. by the Meansy Labour, Industry , and humble perition of him the faid I. G. had procured and obtained, of and from his most Excellent Maje. fly our Lord King James, now King of England, his Letters of Patents, with his great Seal of England, seated, bearing Date at Woff. the aforefaid fourth Day of February, de by which faid Letters Parents, he the faid Lord the King that now is for himself his Heiss and Successors of his Especiall Grace and of his meer motion and certain Knowledge did pardon, promife, and Releafe to the aforefaid S. D. and E. G. the Younger, the Felony and Burglary aforefaid, and all other Offences, Trespasses, and wicked Deeds in any manner touching or concerning the aforefaid Fellony and Burglary and the Accessories of them, and

Case for Money promised to one indited for Felony and Burthe flight and flights thereupon made, and all and fingular Judiciments' Judgments, Condemnations, Executions, paines of Death, corporall Paines and Punishments, and Imprisonments, and all other paines and Penalties whatfoever, in upon, or against them the faid S. D. and E. G. the younger, or either of them, for the Premifles or any of the Premiles had made rendred, or adjudged, or then afterwards to be had made, rendred or adjudged, as by the fame Letters Patents amongst other things is more fully contained: And whereas also he che faid I. C. afterwards, to witt (Such a day, year, and place) was pollefsed and had in his hands and custody the same Letters Pacenes: And whereas also the aforelaid S. D. and E. G. the vonnger; then and there were indebted to him the fayd ? C. in two and forcy pounds of lawfull Money of England, which faid two and forty pounds, he the faid I. C. then before, had expended, laid out. and disburfed, about the procuring, profecuting, and obtaining, of the aforesaid Letters Patents; he the sayd E. G. the Elder, afterwards, to witt (Such a day, year, and place) in consideration that he the faid & C. at the especial instance and request of him the said E.G. the Elder, the aforefayd Letters Patents, by which he the fayd S. and the aforesaid E. G. the Younger, from the Felony and Burglary aforefayd, thould be acquitted, and in confideration of two pence, of lawfull Money of England, to him the faid &. G. the Elder, by the aforefaid I.C. then and there well and faithfully paid did affume upon himself, and to him the faid I. C. did then and there faithfully promife, that if he the faid I. D. should not content and pay to him the faid I. C. the aforesaid two and forty pounds, within one year then next following, that then he the faid &. G. the Elder. the same two and forty pounds to him the said I. C. would well and faithfully content and pay: And he the faid I. C. in fact faith. That he the faid I at the faid instance and request of him the faid E. G. the Bider, afterwards, to witt, the same (Such a day, and year, and place aforefaid) did deliver to him the faid E. G. the Elder, the aforesaid Letters Patents, by which he the said S, and the aforesaid E. G. the younger, from the Felony and Burglary aforefaid were acquitbed : And further he the faid U. C. in fact faith, that the aforefaid S. D. within the aforesaid one year then next following, or at any time hitherto, hath not contented or paid the aforesaid I. C. the aforesaid two and forty pounds nor any parcell thereof, yet the aforefaid E. G. the Elder little regarding his promise and affumption aforefaid, and fraudulently intending the aforefaid I. C. in that behalf, craftily and subtlely to deceive and defraud, the aforesaid two and forty pounds to the aforefaid I. C. he hath not as yet paid, nor in any manner for the fame hicherto given coutent, (although to do this, he the faid E. G. the Elder, by the aforelaid I. C. after wards to witt, the eleventh day of Ottober, in the tenth year of 9/12

the King at L. in the parish and Ward aforesaid, he hath been thereunto required, by which he the faid I. C. the whole commodity, profit and Advantage which he with the aforefaid forty two pounds, by buying, Selling, and lawfully bargaining, was able to have had and gained (if the aforesaid E. G. had performed his promise and Assumption aforesaid, in Form aforesaid made) hath totally lost, and is deprived of, whereupon he the faid I. C. fayes, that he is Damnified, and hath Damage to the value of a hundred pounds and thereupon he brings his Suit, &c. Pledges of profecuting, John Doo, and Richard Roo.

Cuffex f. E. S. and T. B. complain of T. S. in the Custody of the Gafe wou a Marshall, &c. for that, whereas (Such a Day, year, and place) in money upon a the County aforesaid, certain communication was had and moved be- wager. tween the aforefaid E, T. B. and the aforefaid, T. S. concerning teven Quarters of Barly in a Waggon, with a Team of three Horses and two Mares from the Bottom of Littleton Hill in Waltham aforesaid in the aforelayd County of Suffex, unto the top of the same Hill before the first Day of May commonly called May Day, then next following, by them the faid E. and T. B. to be carryed, upon which faid communication he the faid T. S. then and there, to wit, the aforesaid (Such 2 Day, and year and place) in the County aforetaid, in confideration that the afore aid E. S. and T. B. for two shillings and five pence of lawfull Mony of England, to them by the aforesaid T. S. at that time delivered, had then and there assumed upon themselves, and to the aforefaid T. S. had faithfully promised, that they the said E. and T. B. the faid feven quarters of Barly in a Waggon, with a Team of 3. Horses and 2 mares from the bottom of Littleton bill aforesaid in W. aforesaid unto the top of of the same hil, befere the I Day of M. commonly called May Day then next following would Carry, or otherwise that they the faid E. and T. B. eight pounds of lawfull mony of Eng. to him the faid T. S. would pay) did assume upon himself and to the aforesaid E. and T. B. did then and there faithfully promise that if they the said E & T.B. the seven quarters of Barly in a Waggon with a Team of three Horses and 2 Mares from the bottom of Littleton Hil in W: aforesaid, unto the top of the same Hill before the 1 Day of Mar, commonly called May Day, then next following, should carry, that then he the said T. S. (over and above the aforeiaid two shillings and five pence to them the said E. and T. B, by the aforesaid T. S. as aforesaid delivered) as much more mony as together with the same two shillings and five pence should amount unto the Sum of ten pounds of lawfull, oc. to them the said E. and T. B. would pay, and the aforesaid E. and T. B. in fact fay, that they the faid E. and. T. B. afterwards, and before the said first Day of May, to wit, (such a Day and year) seven quarters of Birly, &c. with a Team, &c, from the top, &c. they did carry, And that they the faid E. and T. B. afterwards, to wit (fuch a Day,

year.

year, and place) thereof, gave to the aforefayd T.S. notice, and then and there requested the aforelayd T. S. to pay to them the faid E. and T. B. nine pounds seventeen hillings and fix pence of lawfull coe. being so much mony, as together with the aforesaid two shillings and five pence to the aforefaid E. and T. B. formerly delivered as aforefaid, amounted to ten pounds according to the promife and affumption of him the faid T. S. aforefaid, yet the aforefayd T. S. little regarding his promife and affumption aforefaid, but plotting and fraudulently intending the aforefaid E. and T: B. in that behalf, craftily and fubtilly to deceive and defraud, the aforesaid nine pounds seventeen shillings and five pence unto the aforesaid E. and T. B. although he the said T. S. unto this, by them the faid E. and T. B. afterwards, to wit (Such a Day, year, and place) he hath been requested according to his promife and affumption aforefaid, he hath not paid, nor in any manner for the same, hitherto given content, by which they the faid E. and T. B. divers great profits and gain, which they with the aforefaid nine pounds seventeen shillings and five pence by lawfull buying. Selling, and Bargaining, if the aforefaid T. S. his Promife and Affumption aforefaid had well and faithfully performed, might have had and gained, by default of performance thereof; have totally loft and are deprived of, whereupon they the faid & and T. B. fay, they are damnified and have damage to the value of twenty pounds, and thereupon they bring their Suit . &c.

drink & lodging bad by the was fole.

cafe for meat, T Ondon ff. L. C. complains of R. P. and E. his Wife in the Custody of the Marthall, &c. for that whereas the aforesaid E. whilft the wife whilf the was fole, to wit (Such a Day year and place) in confideration that the aforesaid L. at the Especiall instance and request of the aforesaid E. while the was fele, would receive into his House at L, in the parish, co, the aforefaid E, whill the was fole as a Sojourner with him the faid L, and the fame E. whilft the was fole, would find and give Meat, Drink, and Lodging, as long as they the faid L. and E, should please, the same E, in consideration thereof did assume upon her self and to him the faid L. then and there whilft the was fole, to wit (Such a Day, year and place) faithfully promife, that the the faid E. would well and faithfully content and pay to him the faid L. fo much for her Meat, Drink, and Lodging, aforefayd, for fuch time as the aforefaid E. with the aforelaid L. in the House of him the faid L. aforelaid, should remain a Sojourner, as he the faid L. should reasonably therefore deserve, and he the faid L. in Fact faith; that he the faid L. at the faid instance and Request, of the aforefayd, E. whilst she was fole, afterwards to wit the aforefaid (Such a Day and year) into his house aforesaid in L. aforesaid, the said E. as a Sojourner with him the same L. he did receive, and that the aforesaid E. whilst she was sole in the House of him the faid L. aforesaid (Such a Day and year) aforesaid.

and from thence by the space of two years then next following at L. aforelaid did remain, and that he the laid L. did find and give to her the faid E. whilst the was lole, Meat , Drink , and Lodging aforesaid, by the whole time aforesaid, in the House of him the said L. aforesaid, And he the faid L. further in Fact faith, that he the faid L. for Meat Drink, and Lodging aforelaid, to the aforelaid E. for the aforelaid two years, did reasonably deserve to have twenty pounds, yet the aforesaid E. whilst she was sole, and the aforesaid R. and E. after Espousalls between them celebrated, little regarding the promise and Affumption aforesaid, of the aforesaid, E. whilft the was sole as aforefaid made, but plotting and fraudulently intending the aforesaid L. in that behalf Craftily and subtilly to Deceive and Defraud, the afore-Said E. whilft the was fole, nor the aforesaid R, and E. after Espon. falls between them celebrated, the aforesaid twenty pounds to the aforesaid L. they have not as yet paid, nor either of them hath paid (although the aforesaid E. whilft she was sole, to wit (Such a Day, year, and Place) by the aforefaid L: was thereunto required, and the aforefaid R. and E: in like manner, after Espousalls between them celebrated. to wit (Such a Day year and place) by the aforesaid L: have been thereunto required, whereupon he the faid L: fayes that he is damnified and hath Damage to the value of forty pounds, and thereupon he brings his fuit, Pledges of profecuting, John Doo, and Richard R 00.

BE it remembred, that otherwise, to witt, the Term of Saint Hil- London st. lary last past, before our Lord James late King of England, at For a Keepen. Westminster, came Aquila Weeks Gentleman, by Richard Antrobus of a Prison for his Attorney and produces here in Court of our feed less I meat, drink, his Attorney, and produces here in Court of our faid late Lord the and lodging for King, then there, his certain Bill against I. A. in the Custody of the a Prisoner. Marthall, &c. Of a Plea of Trespasse upon the Case: And there are Pledges of profecuting, to witt, John Doo and Richard Roo: Which faid Bill follows in these words.

London ff. Aquila Weeks Gentleman, complaines of I. A. in the Custody of the Marshall, of the Marshalley of our Lord the King. before the said King, being for that, (that is to say) Whereas the aforesaid A. (Such a day and yeare) and long before, and almaies after, hitherte was and yet is Keeper of the Prison, of the Dean and Chapter, of the Collegiat Church of the bleffed Saint Peter at Westminster, called the Gatebonfe at Westminster aforesaid, in the County of Middlesex: And whereas also he the Said I, the aforesaid (such a day and yeare) was in due manner cammitted to the aforesaid Prison, under the Custody of the aforesaid A. charged, amongst other things, in Execution, for fifty pounds of Debt, and twenty shillings of Dansage, at the Suit of C.B. And he the said ?. being so in the Prison aforesaid detained, under

under the Custody of him the faid A. afterwards, to witt (fuch a day) yeare, and place) in consideration that the aforesaid A. at the especial instance and request of him the Said J. would allow and provide for him the faid I a convenient Lodging, as also meat and drink sufficient, during the time that he the faid I in the Prison aforesaid should remain ; did assume upon himselfe and to the aforesaid A. then and there, to witt at L. aforesaid, in the Parish, &c. faithfully promise that he the said one and twenty shillings, for the aforesaid lodging, meat, and drink for each Week, wherein he the [aid]. Join Prison aforesaid should remain, (that is to fay) twelve pence for every meale, and twelve pence for his lodging for every night, and so according to that rate to him the faid A. would well and faithfully content and pay: And he the faid A. in fact faith, that he at the aforefaid instance and request of him the said I. did allow and provide for him the said I. lodging convenient, as also meate and drink sufficient, during the time wherein he the faid I, in the Prison aforesaid remained: And he the said A: in fact further faith, that the aforefaid I: in the Prison aforesaid, under the Custody of him the faid A: remained, from the aforefaid eleventh day of Aprill. (in such a yeare) aforesaid, unto the sixth day of August then next following, (that is to say) by the space of fixteen Weeks and five dayes, and that by the same time according to the rate aforesaid, seventeen pounds and eleven shillings by him the said I. to him the said A. for lodging, meat and drink afore aid, put together were due, get the aforesaid I his promise and assumption aforesaid, little regarding, but plotting and fraudulently intending the aforesaid A. in that behalfe. craftily and subtlely to deceive and defraud, the aforesaid seventeen pounds and eleven shillings or any parcell thereof, to the aforesaid A. hath not as get paid, nor in any manner for the same hitherto given content, although to do this, he the Said I. by the aforesaid A. afterwards, to with (Such a day, yeare, and place) he hath been thereunto required: VV bereupon he sayes that he is damnified, and hath Damage to the value of thirty pounds, And thereupon he brings his Suit, &c.

A ND now at this day, to witt on Wednesday next, after fifteen dayes of Easter, in the self same Term, unto which day the aforesayd I. had licence to Impart to the Bill aforesaid, and then to answer, &c. Before which day, our Lord King James, late King of England, dyed: At which day before our Lord King Charles, now King of England at VVestminster, came as well the aforesaid A. by his Attorney aforesaid, as the aforesaid I. by VVilliam Townsend his Attorney: And the same I. defends the force and injury, when, &c. And sayes, that he did not assume upon himself in manner and form, as the aforesaid A. above against him complaines: And upon this he puts himself upon the Countrey, and the aforesaid A. in like manner, therefore the Jury thereupon, is to come before our Lord the King

King at VVeftminfter, on Thursday next after a Month of Easter ? And who neither, &c. To recognize, &c. Because as well, &c. The same day is given to the parties aforesaid here, &c.

C. and M, his Wife, Executrix of the last Will and Testament London ff. of R. A. her late Husband dead, complain of R. VV. Gentle. Cafe for an mant, in the Custody of the Marshall, &c. For that (that is to fay) Executrix up-Whereas one Randall Crew Knight, intended to frame and build at for goods delihis the faid R. proper Costs, and to his own proper use, a certain vered to work-Structure in the City of VVeftm. in the County of Middlefex, and men. imployed S. C. and T. VV. as the Workmen of him the favd R. to frame and build the Structure aforefaid, for him the fayd R. And whereas also they the sayd S. and T. after had Communication with the aforesaid R. in his life time, of and for divers peices of Timber. divers Joystes, Postes, and Bords, by them the fayd S. and T. of the aforesaid R. for the Structure aforesaid to be bought, to witt (Such a day, year, and place) in consideration that the aforesaid R. in his life time, at the especiall instance and request of him the fayd R. VV. then being the Servant of him the fayd Randall, would fell and deliver to them the fayd S. and T. or either of them, fuch Timber. Toysts, Posts, and Bords, as they the fayd S. and T. or either of them afterwards, for the building aforefaid should choose out, at the severall rates and prizes between the aforelaid R. . and the aforelaid S. and T. or either of them to be agreed upon; did affume upon himself, and to him the sayd R. did then and there faithfully promise. that he the fayd R. VV. all such Sums of Money for the Timber. Toysts. Posts and Bords, aforesaid, so by the aforesaid S. and T. or either of them, for the aforesaid Structure as aforesaid to be chosen. and by the aforesaid R. A. to them the sayd S, and T. or either of them fold and delivered, as to him the faid R: A: according to the rate and prizes aforesaid, between the aforesaid R : and the aforesaid S: and T: or either of them, so as aforesaid should be agreed on to be due, payable for the fame, to him the fayd R: A: when he should be afterwards thereunto required, would well and faithfully content and pay : And although the aforefaid R. A. in his life time. trufting to the promise and assumption of the aforesaid R.W. afterwards, to witt (Such a day, and year, and place, aforesaid) divers peices of Timber, as also divers Joysts, Posts, and Bords, by him the faid S. and the aforesaid T. or either of them, for the Structure aforefaid then chosen, and after mentioned at severall rates and prizes. between the aforesaid R. A. and the aforesayd S. and T. or either of them, then agreed on, and after expressed by the aforesavd R. W. as aforefayd to be payd (That is to fay) feventy four feet of Oaken Timber for nine and thirty shillings, fifty and fix feet of Oaken Timber for thirty shillings and three pence, fixty five feet of Oaken Tim-

her for five and thirty thillings and two pence, hity feet of Oaken Timber for leven and twenty shillings, thirty and fix feet of Firr Timber for thirteen shillings and five pence: (And sorecite the whole particulars) to them the faid S. and T. to the purposes aforesaid then and there delivered; all which faid feverall Sums of Money, for the feverall peices of the feverall parcells of Timber, for Joylts, Polts and Boards, in the whole do amount, to one and forty pounds feven shillings and a penny: And although afterwards, to witt, the five and twentyeth day, &c. the aforefaid R. A. at L. aforefaid, in the Parish, coc. of the same peices of Timber, Joysts, Posts, and Boards, to as aforefaid cholen, bought, had, and delivered, as also of the feverall rates and prizes of them, did give notice to the aforefaid R. VV. requiring the aforesaid R. W. that he the said R. the aforesayd one and forty pounds seven shillings and a penny, for the peices of Timber. Joysts, Posts, and Boards aforesaid, so as aforesaid chosen, bought had, and delivered, to him the fayd R. A. he would according to his promise and assumption aforesavd, pay, yet the aforesaid R. W. little regarding his promife and affumption aforefaid, but plotting and fraudulently intending the aforefaid R. A. in his life time, as also them the fave A. and M. after the Death of him the fave R. A. in that behalf, craftily and fubtlely to deceive and defraud, the fame one and forty pounds feven shillings and a penny, or any penny thereof, to the aforefaid R. in his life time, or to the aforefaid M: after the Death of him the fave R: A: whilst she was sole, or to them the favd A. and M. after Espoufals between them celebrated, although unto this as well by the aforesaid R. A. in his life time, to witt (Such a day and year) as by the fayd A: and M. often after the Death of him the fayd R. A. at L in the Parish, &c, he hath been thereunto required, he hath not paid, or in any manner given content for, but the same to them to pay hath altogether refused, and the same to them the favd A, and M, as ver to pay doth akogether refuse, to the hinderance of the Execution of the Testament aforelaid, and to the Damage of them the faid A. and M. fifty pounds, and thereupon they bring their Suit, 60. And they the faid A. and M. bring here into Court, the Letters Teltamentary of the aforelaid R. A. by which it sufficiently appears to the Court here, the same M. to be Executrix of the Testament aforesayd, and thereupon to have Administration, &o. Pledges of Profecuting, John Die and Richard Roo.

London. sf.
Cafe for a
Clark for his
Fees for profecution in the
u per Beach.

B Brick mood one of the Clarks of Robert Henley Esq; and Samuel Weightway Esq; cheif Clarks of our Lord the King that now is, of his Pleas in the Court of him the sayd Lord the King, before him the sayd King assigned to be held, and according to the liberties and priviledges for the like cheife Clarks and their Clarks, time out of minde

minde nied and approved in the fame, prefent here in Court in his proper person complaines of H. 7. in the custody of the Marshall, de: for that whereas all and fingular the Clarks of what foever cheif Clarks of our fayd Lord the King, and his Progenitors late Kings and Queens of England, for the Pleasin the Court of our fayd Lord the King that now is and his Progenitors, before the King and his Progenitors aforefaid affigned to be held, time out of minde were, and were accuflomed to be Attorneys in the fame Court, according to the custome of that Court, from the whole time aforefaid in the same used and approved: And whereas also the aforefayd B. continually by the space of eight yeares last past and more, was one of the Clarks of the aforesaid R. H. and S. W. cheif Clarks, &c. and an Attorney in the fame Court by those yeares, according to the custome aforesaid : And whereas also the aforelayd H. 7. (such a day, yeare, and place) in consideration that the aforesaid B. at the especiall instance and request of him the fayd H. in the fame Court of our fayd Lord the King that now is, before him the fayd King (the same Court at Westminster in the County of Middlefex then being) in the then instant Terme of Saint Michael would appeare in the same Court and file a certaine Common Bayle for Thomas Gainsford Knight, and Thomas Gresham Ela: at the Suit of one T. Ainscombe, and would be the Attorney of them the fayd T. G. and T. G. to defend and profecute in the same Court for them the fayd T. G. and T. G. in all Actions against them the fayd T. G. and T. G. upon that appearance in the same Court to be Sued forth and profecuted, did affume upon himfelf, and to him the favd B. did then and there faithfully promife that he the fayd H. three shillings and four pence of lawfull money of England for the Attorneys Fee of him the favd B. in that behalfe every Terme for each severall Action against them the fayd T. G. and T. G. or either of them, upon that appearance in the same Court to be Sued forth and profecuted, wherein he the fayd B. should be the Attorney of them the fayd T. G. and T. G. or either of them, and those Actions for them the fayd T. G. and T. G. or either of them, or either of their Attorney in the same Court would defend and prosecute. as also all other Fees to him the sayd B. for his labour in writing in that behalfe, according to the custome of the same Court duly adoruing, as also all such reasonable and usuall costs and charges as by him the favd B. in and about the defending and profecuting thereof. should be layd our and disbursed, to him the sayd B (when he should be thereunto afterwards required) would well and faithfully content and pay.

And he the layd B. in fact laith, That the trusting to the aforesaid promise and assumption of the aforesayd H. he the sayd B. stood Attorney for them the sayd T. G. and T. G. in the aforesayd Court of our sayd Lord the King that now is, before him the sayd King at

VVestminster

Wellminfter aforelayd, on the aforelayd then instant Terme of Saine Michaell, in the third yeare aforefayd, and in the fame then Term of Saint Michaell for them the favd T. G. and T. G. did appeare, and a certaine common Bayle in the fame Court for them the fayd T. Gand T. G. did file. at the Suit of the aforefaid T. A. and as the Attorney of them the fayd T G and T G two severall Actions at the Suit of the aforesaid T A (one of which Actions was against him the sayd T . Gaynsford and the other against the said T Gresham , upon that an pearance in the same Court brought) by the same Terme of Saint Michael did defend and profecute, and that fix shillings and eight pence of lawfull money of England for the Attorneys Fees of him the faid B by the same Terme of Saint Michaell in the aforesaid two feverall Actions did justly grow due, and also three shillings and fix pence over and above the same Fees for the labour of him the fayd B in writing in that behalfe, and for his reasonable and usuall costs and expences by him the fayd B in and about the defending and profequing the aforefaid severall Actions, to the Officers and Ministers of that Court layd out and disburfed: And whereas also the aforesayd H. 9 afterwards, to wit (fuch a day, yeare, and place) in confideration that the aforefayd B at the like instance and request of him the fayd H would then projecute out of the aforelayd Court of our faid Lord the King that now is, before him the fayd King (the same Court at Westminster in the County of Middle ex then being) a certain Writ of Latitut of our faid Lord the King, in his name, at the Suit of one Michaell Harward against H H R H and W R to the then Sheriff of Surrey, directed returnable in the fame Court, did affume upon himfelf, and to him the faid B. did then and there faithfully promife, that he the faid H. five shillings and a penny of lawfull mony of England, to him the faid B: for that Writ when he should be thereunto afterwards required, would well and faithfully content and pay, and he the faid B. in Fact faith, that he the aforefaid B. trusting to the promife and Assumption o' him the laid H: aforefaid last mentioned, he the faid B. after (to wit, such a Day year and place aforefaid,) out of the same Court, there the aforesaid Writ of our said Lord the King of Latitue, in his name, at the fuit of the aforefaid M against the aforefaid H. H. R. H& W: R: to the then therif of S: directed, and in the fame Court returnable, he did profecute, and that Writ fo profecuted out, and in due manner fealed, he the faid B : to the aforefaid, H : did then and there deliver, and whereas also esc: (and so proceed with severall other Actions, wherein the Plaintiff was Attorny as before) yet the aforesaid H. little regarding his severall promises and Assumptions aforefaid, but plotting and fraudulently intending him the faid B: of the feverall fums of Mony aforesaid crastily and subtilly to Deceive and Defraud the aforesaid severall summs of Mony in the whole amounting to forty pounds, or any penny thereof to him the faid B: (although

Calchough the aforefaid H. afterwards, to wit, (fuch a Day . and place) by him the faid B: he was thereunto required, he hath not as yet payd, nor him the faid B: for the fame in any manner hitherto contented, whereupon he the faid B. fayes that he is damnified, and hath Damage to the value of five pounds, and thereupon he brings his Suit. &c:

Onder f, R: B: complaines of A: B: in the custody of the Mar- For the bire of shall, &c: for that whereas the aforefaid A: (fuch a Day year, and a Horfe ungaid place) in consideration that the aforesaid, R: at the Especiall instance and non deli-and request of the aforesaid A: and for fourteen shillings of lawfull Horse and surmony of England, to him the faid R. then and there by him the faid A. niture. payd, did then and there let out to hire to the aforesaid . one Gelding of his the faid R. of the price of fix pounds with the Furniture. (that is to fay) With Bridle and Saddle upon the faid Gelding to be used upon his riding and journying on a certain Journy of him the faid A. (that is to fay) From the City of Westminster in the County of Middlefex, unto the City of Exceter in the County of the fame City of Exceter from (Such a Day aforesaid) by the space of seven Dayes then next following, and longer at the Will of him the faid A. untill he the faid A. from his Journy aforesaid, should return, did assume upon himself, and to him the faid R. did then and there, to wit, at L. aforesaid in the Parish, de. Faithfully promife, that he the faid A. the Gelding aforesaid, in as good Case as the same Gelding at that time was, with Bridle and Saddle afore aid, at the Return of him the faid A. unto W. aforefayd, from his Journy aforefayd, to him the faid R, would deliver back, and that he the faid A, for each Day after the aforelayd seven Dayes untill the Gelding aforesayd should be delivered back, would well and faithfully content and pay unto the aforefaid R. two shillings of lawfull mony of England, for the hire and journying of that Gelding at the Return of him the faid A. and if he the faid A. upon his return aforefayd, should not deliver back to him the faid R, the Gelding aforelayd, in as good Case as the same Gelding was the aforesaid time of the promise of him the said A. in Form aforefaid made, that then he the faid A fix pounds of lawfull mony of England, for the price of the aforesaid Gelding to him the said R. when he should be thereunto requested, would well and faithfully content and pay, and he the faid R: in Fact faith, that he the faid R. trusting to the aforesaid promise and Assumption of him the said A. after, to wit, the aforefayd (Such a Day, year, and place) the Gelding aforefayd in good cafe with Bridle and Saddle aforefaid to the aforefaid . . to ride and Journy , as aforefaid, hee did deliver! and that eight Days from the End of the aforefaid feven Dayes unto the Day of the Return of him the faid A. unto the City of w. aforesaid.

forefaid, from his Journy aforefaid, to wit (Such a Day) then next following, were expired, yet the aforelaid A. his promife and affumption aforefaid, little regarding, but plotting and fraudulently intending the aforefaid R. in that behalf, craftily and subtilly to deceive and defraud, the Golding aforelaid with Saddle and Bridle aforelayd, and two shillings for each of the aforesaid eight Dayes, in the whole amounting to the Sum of fixteen shillings, of lawfull mony of England nor any parcell thereof after the return of him the faid A. from his Tourny aforelayd, to him the faid R, hitherto as yet he hath not at all delivered or payd, nor the aforefaid fix pounds for the price of the aforefaid Gelding of him the faid R. nor any parcell thereof to the aforelaid R; hitherto hath payd, nor in any wife him for the fame conrented. (although unto do it, the aforefaid A, by the aforefaid R. afterwards, to wit (Such a Day, year, and place) hath been thereunto required, whereupon he faith that he is damnified, and hath Damage to the value of ten pounds, and thereupon he brings his Action, G.6.

Cafe upon a promise for Money for Wares delivered upon two severall contracts.

Onder f. VV. H. complains of I, C. in the Custody of the Marshall &c. For that, whereas the aforefaid I. (Such a Day, year, and place) in confideration that the aforefaid VV. then and there at the Especial Instance and request of the aforesaid I. had bargained and fold to him the faid I, to the proper use and service of him the faid I. eighteen yards of black filk Grogram at the rate and price of twelve shillings of lawfull mony of England, for each yeard thereof, four Ells and a half of rich Florence Taffaty at the Rate and price of fixteen fullings of like mony for each Ell thereof, four yards and a quarter of whiteHolmes Fusion at the Rate and price of fixteen pence of like mony for each yard thereof, eight yards of green Paragon at the rate and price of five fhillings of like mony for each yard, did affume upon himself, that he the said I. the aforesaid severall Sums of mony to him the faid VV. would well and faithfully content and pay, whereas the aforelaid It afterwards, to wit (Such a Day', year place) in confideration, that the aforefaid VV, then and there at the like instance and request of the aforesaid ! had bargained and sold to the proper use and behoufof him the faid I. eleven yards and three quartets of black filk Say at the rate and price of five shillings and fix pence, of lawfull, Gr. for each yard thereof (and fo proceed with other particulars) as immediatly before upon the former Contract) which faid severall Sums of mony do amount in the whole unto rwenty feven pounds and four shillings of lawfull mony of England, vet the aforelaid 1, his feverall promifes and affumptions afore aid, little regarding but pletting and fraudulently intending him the faid VV. of the aforefaid ewenty fewer pounds and four shillings, craftily and subtilly to deceive and defraud, the same twenty seven pounds and four shiflings to the aforefaid VV. although unto do this afterwards, to witt (Such a day, year, and place) he the faid I. by him the faid VV. hath been thereunto required, he hath not as yet payd, nor the fame VV. for the same, hitherto in any manner of wife given content, whereupon he the faid W. fayes, That he is damnifyed and hath Damage to the value of twenty pounds, and thereupon he brings his Action &c. Pledges, &c.

THE Defendant prayeth licence to imparl, &c. And hereupon Ball in Tref-J. L. of I. in the County of S. Gentleman, and G. L. of, &c. passe upon the Undertook for the faid Defendant, to have his Body here at the aforesaid Munday: And so from day to day, at every day of the Plea, untill the Plea aforefaid should be ended, and Judgment thereof given, and also if it should happen the aforesaid Defendant, in the Plea aforesayd to be convicted, and Judgment for the said Plaintiff in the Plea aforelayd to be given, if the aforelaid Defendant thould not then render himfelf to the Prifon of the Keepers, Oc. of the Fleer, there to remain, untill the faid Defendant should fatisfie whatfoever Damages the faid Defendant, which he should be adjudged to the faid Plaintiff in the Plea aforefaid; then the faid I. and G. undertook, and both of them hath undertaken for the faid Defendant, under the pain of a hundred pounds, to fatisfy the aforefaid Plaintiff, whatfoever Damages which should be adjudged to the said Plaintiff in the Plea aforesaid : Which said hundred pounds, the faid I, and G. have acknowledged to be made of their Lands and Chattels, and to be levied to the use and behalf of the said Plaintiff, to whose hands soever they shall come, if it may happen the aforefavd Defendant to do in any thing against the assumption and undertaking aforesaid, de.

Ondon f. I. B. Gentleman, complaineth of R. L. Efq; late Against a She-Sheriff of the County of B. in the Custody of the Marshall, &c. riff for an ef-For that (that is to fay) That whereas one G. F. (Such a day and cape upon a year) at L. (that is to fay) In the Parish of blessed Mary of Bow, lawry. in the Ward of Cheap in London, by his certain Writing Obligatory, fealed with his Seal (and to the Court now here shewed) the Date whereof is the same day and year, did acknowledge himself to be caped indebted held and firmly bound to the faid I. B. in a hundred pounds of law- dant in a Bond. full Money of England, to be paid to the faid 1. B. when thereunto he should be required, with a Condition thereunder subscribed, containing these words following, (that is to fay)

Writ of out-

The party ef-

The Condition of this Obligation is such, that if the above bounder The condition G. F. his Executors, Administrators, or Affignes, or any of them; do or of the Bond. shall pay, or canse to be paid, unto the above named I. B. his Executors, Administrators, or Assignes, or any of them, the full and just Sum of

the Money was not paid at the day in the Condition expreffed by which the Bond was forfeited, and thereupon to the Defendant.

The Defendant did prosecute an originall Writ out out Chancery.

The Originall.

The return of the Originall.

The Capias.

The return of the Capias.

The Alias Capias.

The return of the Alias Capias

fifty pounds of lawfull Money of England, upon the & Such a day and year) at or in the now dwelling bonfe of the faid 1. B. Scituate in C. in the County of B. aforefaid; that then this prefent Obligation; to be void and of none effect, or elfe it to remain continue, and be in full force, effect, and virtue, as by the faid Bond and Condition more plainly and at large, Averment that it doth and may appeare: Which faid fifty Pounds, the faid G. R. at the favd day of payment thereof, nor at any other time, did pay or fatisfy to the fayd I. B. by which the faid Writing Obligatory, became forfeited to the faid I. B. and Action to him accrued, and happened to require and have of the faid G. F. the faid one hundred pounds: And although the fayd G. F. the fayd one hundred pounds to the faid I. B. although he was often thereunto required, did not Action accrued pay or facisfy to the fayd 1. B. for the more speedy obtaining and recovery of the fayd one hundred pounds, afterwards, (that is to (av) Such a day and year, did profecute and obtain out of the Court of Chancery of the fayd late King, a certain Writ originall, of the favd late King, to the then Sheriff of B. directed, by which Writ, the favd late King, the favd late Sheriff of B. commanded, that if the favd I. B. should cause him to be secured of prosecuting his Clamour. then he should put by Sureties and safe Pledges, the favd G. F. that he should be before the sayd late King in his Chancery, (fuch a return) wherefore it then should be of a Plea, that he should render unto him a hundred pounds, which to him he owed and unjustly detained: And that he should there have that Writ, at which day before the fayd late King, came the fayd I. B. by his Attorney. And the fayd Sheriff returned that the faid I. B. did finde Pledges of profecuting (that is to fay) I. D. and R. R. And that the layd G. F. was not found in his Bailywick: Therefore it was commanded to the favo Sheriff, that he should take the Body of the said G. F. if, &c. So that he might have his Body-before the Justices of the favd late King. at W. in, &c. (Such a return) to answer unto the faid I. B. of the Plea aforefaid : At which day the faid I. B. there came, and the faid Sheriff returned, that the favd G. F. was not found in his Bailwwick; and he came not: Therefore as formerly, it was commanded to the Sheriff, that he fhould take the Body of the fayd G. F. if. &c. and him fafely keep, so that he might have his Body before the faud Tustices of the fayd late King, in the (Such a return) then next following, to answer unto the fayd I. B. in the Plea aforesaid . At which day the faid I. B: there came, and the faid Sheriff returned that the faid G: was not found in his Bailywick, and he came not: And therefore, as more times, it was commanded to the Sheriff that Plures Capi- he should take the said G. F. if, &c. And him safely keep so that he might have his Body before the Justices of the sayd late King; in, &c. then next following, to answer unto the faid I. B. of the Plea aforesaid: At which day the sayd I. B. there came, and the said Sheriff

Sheriff returned that the faid G: was not found in his Bailywick, The return. and he came not : Therefore it was commanded to the Sheriff that he should require the said G: F. from County to County, untill according to the Law and Custome of this Nation, he should be out- The exigent. lawed if he did not appear, and if he did appear, that then he should take him and him fafely keep, to that he might have his Body before the faid Justices of the fayd late King at W. in the next following, to answer unto the aforesaid I. B. of the Plea aforesaid : The return of At which day the faid I. B. came there by his Actorney, and the the exigent. Sheriff returned that at his County of B. held for the faid County Fire lummons. of B. (Such a day and year) at, &c. The faid G. F. was first required and he did not appear, and that at his County of B, held for the laid County of B. (Such a day and year) at, &c. the faid G. F. second Sumwas the fecond time required and did not appear; And that at his County of B. held for the faid County of B. (Such a day and place) Third Sumin the same year the said G. F. was the third time required and did mons. not appear: And that at his County of B: held for the fayd County of B: (Such a day and place) in the same year, the said G. F. Fourth Sumwas the fourth time required and did not appear . And that at his mons. County of B: held for the faid County of B: (fuch a day and place) Fifth Sumin the same year, was the fifth time required and did not appear, there mons, fore by the Indement of by the return thereof, returned into the faid Court of the faid late lawed. King, before his said Justices at VVestminster, and now remaining in As by returns the Court, before the Justices of the Common Bench at VV: more of the severall plainly it doth and may appear, upon which afterwards (that is to write. fay) The thirteenth day of Is in the year of our Lord, one thousand fix hundred fifty and one; the faid I: B: did profecute and obtain out of the Court before the faid Justices, of the Common Bench at Wie a certain Writ upon the faid outlawry, by which Writthe faid Keepers commanded the Sheriff of B: that he the faid Sheriff should not omit, by reason of any liberty of his County, but that he should take the faid G: F: by the name of, &c, outlawed in his County. the twelfth day of N. (in such a year) at the Suit of the said I: B: of a Plea of Debraif he should be found in his Bailywick, and him fafely keep, fo that he might have the Body of him, before the Inflices of the common Bench at W: in eight dayes of Saint Martin, to do and receive that which the Court there consider, of, and in the Premiffes: Which faid Writ, afterwards, (that is to fay) Such a day in The Writ delithe fame year, was delivered to the faid R: L: then Sheriff of the vered to the faid County, in form of right to be executed: By virtue of which Writ, the faid Sheriff, afterwards, (that is to fay) such a day and year, did take the said G. F. and had him in his Custody, by virtue rested by virof the faid Writ : But the faid R: L. being Sheriff of the faid Coun- the of the Ca. ty of B: and not tegarding the duty of his faid Office of Sheriff, nor pias utlagat, in in

outlawed, as Adjudged out-

The Capias . utlagat.

The Sheriff not regarding his Office. The escape.

his Outh taken for the due Execution of the fame, creftily and fubility intending to deceive and Defraud the faid J: B: of the faid hundred pounds (fuch a Day and year) at Landon aforefaid, in the P: and W: aforefald him the faid G. F. at large whither he would to go and ef-1. B: did permit the faid hundred pounds or any part thereof to the faid It being not fatisfied) and the faid G: ever fince hitherto to places to the laid I unknown did, and yet doth ablent and cloyn himfelf, to that the faid fobil could never by any Processe of Law, fince get him taken, and thereby the faid John hath totally loft the benefit and advantage of the Recovery of the faid hundred pounds, whereupon the faid 1. B. faith. That he is worked, and bath Damage to the Value of two hundred pounds, and thereof he brings the Suit,

For stopping up lights by exestr ing a boufe fo neer the Plaintiffs.

B. complaineth of C. D. in the cultody of the Marshall, &c. for that (that is to fay) that whereas the fayd Plaintiff was poffered of a certaine house or Melluage called L. and of a certaine stone wall to the fame Messiage being adjoyning at Co in the Parish, do, out of the Devile of E. F. to a terme of certaine years as vet continuing, in which fayd Meffuage or Houfe, are, and from the time of the contrary, &c. is not extant, were seven windows on lights out of the house aforelaid, on the South part of the same House, to have and enter light and avre within the fame boule, and by the whole time to inlighten every necessary part of the same House, yet the fayd Defendant deviling to deceive and defraud the fayd Plaintiff, of the whole profit and commodity of the house aforesaid, the first day of M. at C. in the Parish of, &c. aforefayd, did levy and erect, and of new did build and fabriate, a certaine new Mefluage to the fayd house or Mefuage of the aforelayd A. B. next adjoyning to the South part of the favd house of the aforesayd A. B. and upon the aforesayd stone wall of the faid Plaintiff, of such a height, that the whole light which by the windows aforefaid, by the whole time aforefaid, were accustomed to come unto and inlighten the house or messuage of the fave A. B. and afterwards might come unto and inlighten, by reason of the land Messuage of new, built, levyed, and erected, was wholly obstructed, hindered, and stopped, by which the sayd A. B. not onely disclose the whole profit and commodity of his favd House, but also the aforefaid House or Messuage by that occasion did become of much less vearly value of rent then formerly it hath been, to the damage, co.

For departing from Service retained

Duck, ff. Edward Baffe complaineth of John Hutchins in the cuftody Dof the Marshall, &cc. for that (that is to fay) that whereas the a within the time foresayd E. (such a day and years) at W. in the County aforesayd, had retained tim the fayd I. in his fervice, to ferwe him the fayd E. for the

terme

terms of one whole years then next following, in the office of a Shapheard. to keep his Sheep, and to doe, agitate, and execute bishufinelles to the office of a Shepheard in that behalfs belonging, to take of the same B. for his wages by that time three pounds: And in confideration that the Same E. did affume upon himselfe, and to the sayd I, then and there faithfully promise, to pay to the sayd J. the sayd three pounds for his mages aforefayd, the aforefaid I in consideration thereof, did assume upon himfelfe, and to the fayd E. then and there faithfully promise, that be the fame I. the afore aid E. his Mafter, for and during the faid terme of one whole yeare then next following, in his office aforesaid; mould well and truely ferve; yet the fayd J. his promise and assumption aforesayd not regarding, but devising, &c. to defraud the Sayd E. well and faithfully. during his terme aforesaid bath not served, but from the service of him the faya E by a great time within the terms afore aid (that is to fay) from the five and twentieth day of M. in such a yeare, until the Feast of. &c. then next following, against the will of him the Jayd E. hath departed, by reason whereof the same E. faith, that hee bath wholly lost ten sheep of the price of five pounds, for want of the due keeping of him the faid T. to the damage of, &c. The Defendant pleaded that by protestation the Plaintiff did not retaine him, and for his Plea, he made no such promife, Pafch. 4. Jacobi.

Dward Arris Chyrurgion, complaineth of Thomas Dolcon Exeen- For a Chyrur-Liter of, &c. of J: D: his Brother deceased, in the custody of the gion upon a Marshall, &c. for that, to wit, that whereas the saya 1: in his life, to promise in the wit (such a day and yeare) and long before, at London, &c. was taken time. and held with a certaine disease called the Burstennesse in the Coad, of him the Sayd J. of which difeafe the fame J. then, and long before, did lansnift: The fame I afterward, to wit (fuch a day, years, and place) aforefaid (in confideration that the fage E. at the special infrance and request of bim the fayd]. would heale and cure the fayd] of the disease aforefaid) did affume upon himfelfe, and to the fand B. then and there faithfully promise, that he the same I his Executors or Administrators, for the heale and cure of him the fayd 1. of the difease afore and, would well and faithfully pay and content, twenty pounds of lawfull, &cc. to the said E. And the same E. in fact saith, that he giving credit to the promise and affumption of the fayd I. aforefold, afterwards, that is to fay (fuch a day and yeare) above faid at L. afore faid, in the Parish and Ward aforesaid, did heale and cure the said I. of the disease aforesayd, of which faid twenty pounds, the same E. dotb acknowledge himselfe to be satisfied by the sayd I. in his life of fifteen pounds (parcell of the aforesaid twenty pounds) yet the faid I. in his life, and the aforefaid T. after the death of him the fayd I. the promise and assumption of the sayd I. in forme aforelaid made, as to five pounds residue of the aforesaid twenty pounds, but divising, &c. to deceive and defrand, the aforesaid five pounds, on any parcel

arcell thereof, to the fayd E. have not yet payd, war either of them buth ingd, nor for the fame way wife hitherso have made any reasonable content to the fand B. nor either of them bath made (although the fame I. in his life, afterwards to wit (such a day and yeare) above faid: And the aforefaid I. after the death of bim the faid I. that is to fay (fuch a day and years) at L. &cc. have often by the same E. been required to doe halthough alfo the goods and chattels which were of the the (ame:) MA aforesaid I: according af his death, sufficient, as well to pay all the Fanerall debts and begacies of him the fayd I: as also the aforesayd five pounds after the death of him the layd I: to the hands and possession of the faid T: came to be administred. &cc: and as yet in the hands of him the fand T: are unadministred: Whereupon he faith, that he is damnified, and bath damage to the value of ten pounds; and thereof he bringeth the Suit, &c: fully administred at the time of filing of the Bill pleaded. Trine o Car

Against an unskillfull Chyrurgion.

Ondon ff. Margaret Heath Widow complaineth of John Carre in the custody of the Marshall of o for that (that is to say) that whereas the same M. (Such a Day, year, and place.) did languish of a certain infirmity in and upon the note of her the faid M. commonly called a Noli me tangere, and whereas afterwards (to wit) the Day and year abovefaid, at L. &c. the aforefaid M. having conference with the faid I: for and concerning the Cure of the Infirmity aforefaid, the faid I then and there affirming himfelf to be a Chirurgion, and in that Chirurgions Art learned, and skillfull, well and faithfully to cure the faid M. of the infirmity aforefaid, and to make her thereof whole and found as well for a certain Sum of mony (to wir) twenty pounds of lawfull, &c: by the fame M: to the faid I: then and there in hand paid as for other twenty pounds of like mony when the fame 1: Should bring that infirmity within the compafle of a peice of filver called two pence, and also for forty pounds more, when the same I should perfeelly cure and make whole the lame M. of that infirmity, by the fame M. promised to be paid, had assumed upon her self and the same has terwards (Such a Day, year, and place) aforefayd, for the confideration aforefayd, did undertake the cure of the infirmity aforefaid, and did apply and put to, divers plaisters, and other Medicines to heaf and cure the infirmity aforesaid at L. aforesaid, in the P. and W. aforesayd, and from thence untill (Such a Day and year) and the same I, within the time aforelaid, at L. aforelaid, in the P. and W. aforelaid, at divers severall times, divers severall Sums of mony in the whole amounting to forty pounds (besides the faid twenty pounds in hands as aforefaid paid for his labour and industry, and upon his Dayly affertions and faithfull promises of the said 7. to the said M. made to cure and make found her the faid M. of her infirmity aforefaid,) of the afore faid M. falfly wickedly, and deceitfully did require, receive, and had, yet

vet the faid 7. being in truth wholly unlearned, and in the Charnesions art unexpert; but greedy of Gaine, out of a praved and Evill mind and malevolent intention, deviling to defraud the faid M. of her Monyes, and to deceive and long to detain her the faid M. in the cure of the infirmity aforesaid, with vain perswasions, inticements, and affertions, fo unskillfully and inartifically did apply and put to the plaisters and other medicines for the cure of the infirmity aforefaid, within the time aforesaid, that the same M. by reason of the negligence inartificiality and unskillfullnesse of the said ?. in this behalf, not only with most greivous pains and troubles by the whole time aforesaid, did torment; but also by reason thereof, and out of the naughtinesse and malignity of the aforefaid plaisters and other Medicines, fo (as aforefaid) unskillfully and without are applyed and put to the nofe of the faid M. was, and is wholly knawed and eaten of, to the great Deformity of her the faid M. whereupon the faid M. faith, that the is damnified and hath Damage to the value of two hundred pounds. and thereof the bringeth the Suit, 21.6. fac.

MIddle J.J.B , doth complain of A.L. late Sheriff of the County of Against a late Win the custody of the Marshal & torthat (that is to fay) that Sheriff for not whereas the same 1. formerly (to wit) in the Term of Saint Hillary, in returning a the fixth year of the Raign of the Lord James now King of England, in writ of putting the Court of him the faid Lord the King, before Edward Coke Knight and his Affociates, then Justices of him the faid Lord the King of his Bench at W. in the faid County of Middlefex, by the confideration of the same Court, had recovered against one F. E. by the name of F. E. late of . &c. as well a certain Debt of forty pounds , as thirty shillings, which he had by reason of detaining of that Debt, whereof he was convicted as by the Record and processe thereof in the faid Court of the faid Lord the King of the Bench aforefayd remai- Judgement enning, manifestly appeareth upon which same Judgment, the same 7. for Jac. Rot. the more speedy recovery of his Debt and Damages aforelaid, after- 3239. wards (to wit) (Such a Day and year) had profecuted out of the aforesaid Court of the said Lord the King of the Bench aforesaid, (that is to fay) at VVestminster aforesaid, a certain Writ of the said now Lord the King, of causing to be made against the aforesaid F. to the then Sheriffs of London directed, by which faid Writ, the same now Lord the King to the faid then Sheriffs of L. commanded, that of the Goods and Chattells of the aforefaid F. in their Bayliwick, they should canse to be levied, as well a certain Debt of forty pounds which the same ?. in the same Court of him the said Lord the King of the Bench aforesaid at VV. aforesaid, had recovered against him, as the aforesaid thirty shillings, which to the same ?. in the same Court of the faid Lord the King of the Bench aforefaid, were adjudged for his Damages which he had by reason of detaining of that Debr, and that they

they though have that monies before the a forelaid Julkices of the laid Lord the King of the Bench aforelaid at VV. aforelaid in eight Days of the Parification of the bleffed Mary then next following; to render to the faid f. for his Dehr and Damages aforefaid, at which day before the aforefaid Juffices of the faid Lord the King of the Baforefaid at VV aforefaid came the aforefaid I. by A. G. his then Attorny, and A. B. and C. D. then Weriffs of L. then there returned . that the aforefaid F. had no Goods nor Chartells in their Bailiwick, whereof they could cause to be made the debt and damages aforelaid or any parcell thereof, whereupon it was then reftified in the aforelayd Court of the faid Lord the King of the Bench aforefaid, on the behalf of him the Irid 7 that the aforefaid F. bad fufficient Goods and Chattells in the aforefald County of W. whereof the Debt and Damages aforefaid. they might cause to be made : By which the same now Lord the King afterwards, to wit (fuch a day and yeare) abovelaid, at the profecution of him the layd f. by his certaine other Writ to the fayd then Sheriff of Wiltsbire directed, to the fayd then Sheriff of W. commanded that of the goods and chattels of the aforefaid F. in his Bavliwick, he should cause to be made, as well the Debt aforesaid of the fayd forty pounds which the fame ?. in the aforefaid Court of the favd Lord the King of the B. aforelaid had recovered against him, as the aforefaid thirty fhillings, which to the fame ?. in the aforefaid Court of the faid Lord the King of the B. aforefaid, were adjudged For his Damages which he had by reason of detaining of that Debt. And that he should have those moneys before the aforelayd Justices of him the faye Lord the King of the Bench aforefaid, at W. aforefaid. from the day of & in fifteen dayes then next following, to render to the fave 7, for his Debt and Damages aforefaid, in forme aforefaid : Which fayd Writ the fame I, afterwards, and before the returne of the fame Writ, to wit (fuch a day and year) above avd. at the the City of FVilt. in the aforefaid County of VV. did deliver to the fayd A. L. (then Sheriff of the fayd County of VV. in forme of Right to be executed : And that at the returne of the same Writ. to wir, from the aforesaid Day of E. in fifteen Days before the aforefaid Justices of the faid Lord the King of the Bench aforefaid at TV. aforesaid, came the aforesayd I, by his Attorny aforesaid, and the aforesayd A. L. then Sheriff of the aforesaid County of VV. returned the Writ aforesaid, to him in Form aforesaid directed and delivered, (that is to lay) that he the same then Sheriff of VV. by virtue of the fame Writ, did take divers Goods and Chattells which were of the aforesaid F. E. to the value of the Debt and Damages aforesaid, which faid Goods and Chattells fo taken in his Custody, then remained unfold for want of Buyers, whereupon the same I, afterwards, to wit, (Such a Day and year) had profecuted out of the aforesaid Court of the faid Lord the King of the Bench aforefaid, to wit, at Vyestminster aforesaid,

aforesaid a certain Writ of the said now Lord the King, to the same then sheriff of Willipine directed, by which Writ the said now Lord the King, to the said then sheriff of W: commanded that he should put to fail the aforesaid. Goods and Chattells which were onthe aforest faid F. E. to the value of the Debt and Damages aforelaid, which the faid then Sheriff had taken, and in his cultody then remaining unfold for want of Buyers, as the lame then therifico the fame Julices of the faid Lord the King of the Bench aforefaid, at Westminster aforer faid from the Day of E. in fifreen Days then laft pafe, had returned . and that those monies he should have before the aforefaid Justices of the faid Lord the King of the Bench aforefaid, at Westwinsfar aforer faid in eight Days of the Holy Trinity, from thence next following, to render to the faid 7, for his Debt and Damages aforesaid, which said Writ the fame I. after and before the Return of the fame Writ, to wit (Such a Day and year) at the aforefaid City of Will, in the County of W. aforefaid, did dehver to the faid A. L. in form of Right to be executed, and that at the Return of the same Writ, to wit, in the aforelayd eight Days of the Holy Trinity, from thence next foh towing before the aforefaid Justices of the faid Lord the King of the Bench aforefaid at W. aforefaid, came the aforefaid ?. by his Attorny aforefaid, and the fame then theriff of W. the aforefaid VVrit of putting to fale to him in form aforefaid directed and delivered then abere did not return, nor as yet, although required, ore hath returned, nor the Debt and Damages aforefaid, or any parcell thereof to the faid 7. hitherto hath rendred, but the Goods and Chattells aforelaid by him in Form aforefaid taken, afterwards, to wie, (Sucha Day and year) at VV. aforefaid to the proper use and profit of him the said then theriff of VV. hath converted and disposed, by which the fame i. of the Debt and Damages aforefaid, is wholly defrauded, whereupon he faith that he is damnified and hath Damage to the value of they pounds, and thereof he bringeth the Suit, &c. H. 10, 740.

M Iddlefex ff. Themas Taylor and Katherine his Wife, who as Against a Shewell for the Lord the King as for himself prosecutath idoth com-riff for fallely plain of E. Bromfield and Richard Fenn lately Shariffs of London, returning that in the Cultude of the Marshall one Forebase (see Special Section of London, an Administrain the Custody of the Marshall, &c. For that (to witt) that where to had wasted as by the Writ of the Lord the King, of Judgment to the fame late the goods of Sheriffs of London directed, the eleventh day of june (in fuch a the Intestate. year) at Westminster in the County of Al aforesayd, from the Court of the faid Lord the King, before him the fayd King iffuing it was commanded that of the Goods and Chattels which were of A. H. the Elder deceased, at the time of his Death, who dyeddneestate, as it is faid, in the hands and Custody of the aforefaid Thomas Taylor and Katherine his Wife, Administratrix of all and fingular the Goods and Chattels, Rights and Creditos, which were of the afore-Hh 2 faid 3/19

the time of his Death, they hould cause to be made one and forty pounds of Damages, which one Laurence Nercett Administrator of all and lingular the Goods and Chattels, Rights and Credites, which were of J. H. the younger, at the time of his Death, who dyed intestate, did recover as well by reason of not performing of certain promiles and affumptions to the faid 7. H. the younger in his life by the faid ?. H. the Elder in his life made, as for his Cofts and Charges by him about his Suit in this behalf expended, whereof he is convicted, as to the faid Lord the King did appear of Record. if to many they had in their hands, and if to many they had not in their hands, then they thould cause to be levied five pounds, parcell of the aforefard one and forty pounds, for his Cofts and Charges aforesaid, of the proper Goods and Chattels of the aforesaid T. T. and K. in their Bayliwick, and that they should have those Moneys before the faid Lord the King at VVestminster on Tuesday next, after three weeks of the holy Trinity, from thence next following, to render to the fayd Laurence, for his Damages aforefaid, and that they thould have there then that Writ: And although the aforesaid T. and K. any Goods or Chattels, which were of the aforesaid J. H the Elder at the time of his Death, have never wasted, or either of them bath wasted, nor the same T. and K. any Moneys coming of those Goods and Chattels, to their own proper use, have converted neither either of them hath converted, as they the fayd T, and K. by waies and meanes convenient, are ready to make appear, as they affirm, yet the fayd late Sheriffs of London aforefaid, fally and maliciously, and against the due form of their Oath at Westminster aforefayd, have returned the Writ aforesaid, before the sayd Lord the King, at the aforefaid day of the return thereof (to witt) on Tuefday, on In the aforelayd Writ specifyed, that the aforelaid T. I. and R. after the Death of the aforelaid J. H. the Elder, have bad divers Goods and Chartels, which were of the same J. at the time of his Death, to the value of the aforefayd one and forty pounds, of the Goods and Chattels of the aforefaid 7. H. the Elder, whereof they might have fatistied the fayd Laurence of his fame Damage asperelaid Which fave Goods and Chattels, the fave T. and K. after on Admini wasds and before the coming of the fayd Writ to the same Sheritis, and for first and had wafted and to their own use converted, so that the Damages in Time good to aforelayd) or any parcell thereof, of those Goods and Chattels, they could not cause so be made . And moreover teturned, that the aforefaidh T. and K. had no Goods and Chattels which were of the aforefaid franche time of his Death, in their hands to be administred in his Baylindick, whereof the Damages afore and or any parcell thereof, he could can e to be made, by which the aforefavo T. and K. in their proper persons are very much worsted, vexed, and impoverished, in contempt of the faid now. Lord the King, and of the Court of him the

the faid Lord the King, and deceiving of the Laws and Cuftomes of this Kingdome of E. alfo the Damage of them the faid T. T. and K. of a hundred Pounds: And therenpon as well for the Lord the King as for themselves, he bringeth the Suit, &c. M. 4. Car.

Leas before the Keepers of the Liberty of England, by the An- Against a Shethority of Parliament, in the upper Bench at Westminster, of the riff for return-Term of Saint Michaell, in the year of our Lord one thousand fix hun- ing a writ that dred and fifty.

the Executor bad wasted the Teftators

M In the Term of the holy Trinity last past, before the Keepers, e. Keepers in the upper Bench at Westminster, came Richard Beecher, who as well for the Lord the King as for himfelf, doth profecute by Richard Antrobus his Attorney: And brought hereinto the Court of upper Bench, then there his certain Bill, against Robert Lewkener Knight, late Sheriff of the County of Kent, in the Custody of the Marshall, &c. Of a Plea of Trespasse upon the Case: And the Pledpes of profecuting are (to witt) John Doo and Richard Roo: Which

favd Bill followeth in these words.

Middlefex f. Richard Beecher, who as well for the Keepers, &c as for himself, doth prosecute, doth complain of R. L. Knight, late Sheriff of the County of K. in the Custody of the Marshall, of the Marshalfey of the Keepers, &c. before them the sayd Keepers, in the upper Bench of w. being for that (that is to fay) That whereas by the Writ of the fayd Keepers, of Judgment to the same late Sheriff of Kent directed, the one and thirtyeth day of October (in fucha year) at W. in the aforesaid County of Middlesex, from the Court of the favd Keepers, &c. Before them the fayd Keepers in the upper Bench, the same day issuing, reciting that whereas the late Sheriff of Suffex, had lately been commanded, that of the Goods and Chattel which were of H. E. deceased, lately called, &c. At the time of his Death, in the hands and Custody of the aforesayd R. B. Executor of the Testament and last Will of the aforefayd H. together With one T. Wickenden now deceased, lately the Wife of E. W. Coexecutrix with the aforelayd R. of that Testament in his Bailywick, he should cause to be made twenty pounds of Debt, which ?. E. lately in the Court of the Keepers, &c. Before them the fayd Keepers, in the upper Bench at w. aforesaid, had recovered against him; and also forty thillings which to the fame J. in the fame Court of the Keepers, &c. before them, &c. were adjudged for his Damages which he fustained, as well by occasion of detaining of that Debt, as for his Costs and Charges by him about his Suit in this behalf expended, if fo much in his hands he should have, and if he should not have To much in his hands to be administred, then the Damages aforesaid.

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of the proper Goods and Chargels of him the fayd R. whereaf he is convicted, as to the faye Reepers, Go. doth appear of Record : And whereupon in the Court of the lavd Keepers, &c. before them, &c. it was confidered of, that the aforefaid 7. fhould have his Execution against the aforesaid R. of the Debt and Damages aforesaid, in form aforefaid: And that he should have those Moneys before the fave Reepers, Ov. in the upper Bench at W. on Munday next, after, of to render to the fayd 7. for the Debt and Damages aforefaid : And the fayd Sheriff of S. at that day, to the fayd Keepers, &c. returned that the fayd R. had no Goods or Chattels in his Bailywick, in his hands, which were of the aforefaid H. B. deceased, whereof the Debt and Damages aforefaid, he could any waies cause to be made, nor any his proper Goods or Chattels, whereof the Damages aforefaid, or any parcell thereof, he could any wife caufe to be made :- Whereupon on the behalf of the aforefaid 7. in the Court of the faid Kespers, coc. before them, coc. it was fufficiently tellified, that the faid R. had Goods and Charcels fufficient, which were of the aforelayd H. at the time of his Death, in his hands, in the Bailywick, of the afonefavd late Sheriff of the County of Kont, whereof the Debt and Damages aforefayd, they might cause to be made and sevied: Therefore it was commanded to the then late Sheriff of Kent, that of the Goods and Chattels which were of the aforefaid H. at the time of his Death. in the hands and Cuftody of the aforefaid R. in his Brilywick, he thould cause to be made the aforefayd two and twenty pounds, if so much he had in his hands to be administred, and if so much in his hands he had not to be administred, then forty shillings thereof for his Damages aforefayd, of the proper Goods and Chattels of him the favd R. And that he should have those Moneys, before the faid Kespers, &c. in the upper Bench at W. on, &cc. To render to the fayd? for the Debt and Damages aforelayd, in form aforelaid, and that he should have there then that Writ, and although the aforesaid R. B. no Goods or Cattels which were of the aforesaid H. E. at the time of his Death ever had in his hands to be administred: And although the fame R. any Goods and Chattels which were, &c. (as in the Deckration next before untill the end, changing two persons for one) and thereof as well for the Keepers, &c. as for himself produceth the Suit, &c.

The Plea not builty. A ND now at this day (that is to say) on, &c. in this same Term (untill which day the said Defendant had lyconce to impart to the said Bill, and then to answer, &c:) before the Keepen, &c. in the upper Bench at w. came as well the aforesaid R. B. who as well, &c. by his Attorney aforesaid, as the said R; L. by John Sannders his Attorney: And the said Defendant cometh and Defendent the force and injury when, &c. And saith, That he is not thereof

thereof guilty, and of this he putterh himself upon the Country, and the faid Plaintiff, who as well, ecci likewife, ecc. Therefore les the Jurors thereof come before the faid Keepers in the upper Bench as w. on &c. And who neither, &c. to recognize, &c. because as well &c. The same Day is given to the said parties there, &c.

W Alter Newsam doth complaine of William Wiggen in the custody Against a Po of the Marshall, &c. for that (that is to fay) that whereas the car for not the Same W (Such a day and yeare) at C. in the County aforesaid, was Vir joying rate car of the parify Church of C. aforefaid, and in right of his Vicaridae at tythes, accorforefaid, was seized of the Tythes of Lumbs, Wooll, and of other privy tithes yearly increasing, coming, and arising within the aforelayd parish of C. aforefaid (and the aforefaid W. then being a parishoner of the same parish of C. aforesaid) the aforesaid W. afterwards, that is to say, the aforefaid (fuch a day and year) above faid at C. aforefaid, in the County afore faid, in confideration of two and twenty pounds of lawfull, &cc. to the Same W. by the Same Plaintiff then and there faithfully payd, did affinme upon himsetfe, and to the said W. then and there faithfully promised, that he the same Plaintiff, all and fingular tythes of Lambs and Wooll, and of all other tythable things what seever, called Privy tythes, to the same Defendant by the faid Plaintiff then afterwards to be due, and to be paid within the parish aforesaid, in what manner seever increasing, coming, or arifing, by the space of five yeares from thence next following, should have and injoy, if the same Defendant the Vicar of the Vicaridge aforesaid so long should continue, and should retaine and possesse the Vicaridge aforefaid in his owne hands: And if the aforefaid W. the Vicar of the Vicaridge aforesaid, by the aforesaid time of five yeares should not continue. nor the Vicaridge aforesaid in his owne hands so long should retaine and possesse, then the same Defendant, four pounds and eight hillings of lawfull, &c. for every years in which the Jame W. was not Vicar of the Vicaridge aforefaid, nor the Vicaridge aforefaid in his hands should have, to the aforefaid Plaintiff when thereunto afterwards he should be required. well and truely would pay and content: And the same Plaintiff in fact faith. That the aforefaid Defendant, in the last years of the aforefaid five yeares, was not Vicar of the Vicaridge aforefaid, nor the Same Vicaridge in his owne hands had and held, by which the afore aid Plaintiff, all and fingular the tythes of Lambs and Wooll, and other privy tythes aforesaid by the space of one yeare of the aforesaid five years could not have and enjoy, yet the said Defendant his promise and assumption aforesaid, not regarding but devising &c. to defraud, the aforesaid four pounds and eight shillings to the same W. by the sayd Defendant, in forme aforefaid due. to the said Plaintiff hath not as yet payd, nor any wife hitherto for the Same contented (although this to doe, &c. was required) by which the Same Plaintiff divers commodities, profits, and advantages which he mith the afore aid four pounds and eight hillings in buying, selling, and lawfully

fully bargaining, might have had and gained (if the aforesaid Defendant, his promise and assumption aforesaid, in forme aforesaid made, had performed) wholly lost: Whereupon he saith, that he is demnissed, and hath damage, &c. Trin. 6. Jac.

Promise to save barmlesse asurety against a Bond.

Onder f. Richard Rimmell doth complain of Charles Leonard in the Custody of the Murshall, coc. For that (that is to fav.) That whereas the aforefaid C. (Such a day and year) at London, &c. In consideration that the aforesaid R. then and there at the specials instance and request of the same C. would become bound and obliged toone G. W. by his certain Writing Obligatory, in due form of Right to be made, sealed, and as his Deed delivered, in twenty four pounds of lawfull, &c. Yet under the condition of twelve pounds and twelve Chillings of like lawfull, &c. to the same Plaintiff, upon the first day of May then next following, at or in the then dwelling house of the aforesaid G. Scituate in, &c. by the aforesaid R. and C. or either of them to be made, did affume upon himself, and to the said R, then and there (that is to fay.) Such a day and year abovefaid, at L. aforefaid to witt, in, &c. aforesaid, did faithfully promise, that he the said C. the aforesaid twelve pounds and twelve shillings to the sayd G. upon the aforesayd first day of Mar, in discharge of the aforesaid writing Obligatory would pay, and the fayd R, from thence afterwards, of and concerning the writing Obligatory aforefaid, would keep and fave harmelesse and indempnissed . And the same R. in fact faith. That he piving credit to the promise and assumption of the sayd C. aforesaid. afterwards, to wit, the same last day of O. in the yeare, &c. abovefavd at L. &c. at the faid instance and request of the same C. together with the aforesaid C. for the owne, meer, and proper Debt of the fayd C. became bound and obliged to the fayd G. W. by their certain writing Obligatory, in due forme of right made, fealed, and as their Deeds delivered in the aforesaid twenty four pounds, yet under the Condition for the payment of the aforesaid twelve pounds and twelve shillings to the same G. upon the aforesaid first day of May, in manner and forme aforesaid to be made, yet the sayd C. his promise, de not regarding, but deviling oc. to defraud the aforefaid twelve pounds and twelve shillings to the fayd G. upon the aforefaid first day of w. according to the forme and effect of the Condition aforefaid, had por payd, or the same G. for the same hitherto any wife contented, nor the same R. of, and concerning the writing Obligatory aforesayd, hath kept and faved harmelesse and indempnified, although this to do the lame C. afterwards, to wit (such a day, yeare, and place) aforefayd by the fayd R. was required, by which, and for that that the aforefayd twelve pounds and twelve shillings to the fayd G. upon the aforefaid first day of M. according to the forme and effect of the Condition aforesaid were unpaid, the aforesaid G, afterwards, to witt

(in fuch a Term and year) in the Court, &c. before, &c. did implead him the fayd R. of and upon the aforefaid writing Obligatory of the aforefavd twenty four pounds, and that plea in fo much did profecure. that the same R. onely pounds of and upon the writing Obligatory aforelayd, to the faid G. was forced and compelled to pay, but also divers fums of moneys about the defence of the fuit aforefaid, was forced to expend and lay out : Wherenpon he faith that he is damnified. eve. Hill I Car.

Edf. ff. William Leach Gentleman, one of the Clarks of Robert For heighten-Henley, &c. complaineth of William Ellyot, otherwise Tiffin in the ing a watercustody of the Marshall, &c. for that (that is to fay) that whereas course that it the same W. L. the first day of June (in such a year) and alwayes af- and drowned terwards hitherto was seized, and yet is seized o, and in ten Acres the Plaintiffs of Medow with the appurtenances, within the Parish of Felmersham Medow. in the County aforefaid (next adjoyning to a certain River or Watercourse, from the time of the contrary whereof, the memory of men is not extant, running to certaine water Mills called Stoake Mills and to the Damms called the Mill Damms of the fame Mills, fituate within the Parish of Felmer (bam aforefavd, and the Parish of Bletfoe in the County aforelayd, in his Demeine as of Fee : ver the aforesayd William Ellyot, otherwise Tiffin, not ignorant of the oremiles, but deviling and maliciously intending him the favd VVilliam Leach of the whole profit of the aforefayd ten Acres of Medow to deprive and defraud, the day and yeare abovefayd, and by the space of ten moneths then next following, the water of the River or water-courfe aforesaid, at the Mills and Damms aforesaid, more higher then was wont, in so much did beighten, that the water of the River or water-course aforesaid being so heightened more higher then was wont (overflowing the Banks of the River or water-course aforefaid, within the Parish aforefaid) did overflow and drowne the lavd ten Acres of Medow of him the fayd VVilliam Leach by the time aforesaid, by which the same VVilliam Leach did not onely loofe the whole use and profit of the aforesaid ten Acres of Medow. by the whole time aforefayd, but also the soyle of him the favd William Leach of the aforesaid ten Acres of Medow, by reason of the overflowing and drowning aforesaid, was very much spoyled and made worse: Whereupon the same VVilliam Leach faith, that he is damnified, and hath damage to the value of forty pounds: And thereof he bringeth the Suit, &c. H. 6 Car.

A tromife in confideration procuring one to be arrefted in the Shriffs of L. Court.

Ondon f. Thomas Griffin doth complain of John Creeke in the enflody of the Marthall, &c. for that (that is to fay) that whereas one Edward Shilling the two and twentieth day of F. (in luch a year) in the parish of the blefled Mary, &c. was in debted to the faid I. C in divers and everall Sums of monies, in the whole amounting to one hundred bounds of lawfull, &c. And that the fame I. C. for the more fooner obtaining and recovery of his Debt aforesaid, then and there did greatly labour and indeavour to procure and cause the same E.S. for his Debt aforefaid, to be taken and arrested, and whereas the same I. C. afterwards, (that is to fay) the same twenty first day of F. in the nineh year above said at L. afore said, in the P. and W. afore said in confideration, that the aforelayd T. G: at the special instance and request of him the faid I. C. would procure, and by the industry and means of him the faid T. G. would cause the said E. S. (then surking and wandring within the City of London aforefayd) to be taken and arrested at the Suit of the same 1. C. of, and upon a certain Plea of debt upon Demand of the aforesaid hundred pounds, did affume upon himself, and to the said T. G. then and there faithfully promife, that he the same I. C.fix pounds, thirteen shillings and four pence of lawfull conto the same T. G. (that is to say) ren shillings thereof in hand of which faid ten shillings the same T. G. did acknowledge himselfto be fatisfied) and fix pounds three shillings and four pence residue thereof, when thereunto afterwards he should be required, well and truly would pay and content, and the same T. G. in Fact faith, that he the same T, adhering and giving credit to the promise and affumption of the faid I. C. aforefaid after, (that is to fay) the twenty fecond day of F, in the ninth year abovefaid, in the Court of the Lord the King before Edward Barkbam, then one of the Sheriffs of the City of London, in his Compter, called the Poultry Compter, Schuace in the parish of Saint Mildred the Vilgin, in the ward of Cheap, in L. by the appointment of the fame I. C. did lovy a certain Plaint against the faid E. Sat the Suit of the aforefaid I.C. of a Plea of Debt upon Demand of the aforefaid hundred pounds, and that thereupon the fame T. G. afterwards (that is to fay) the fame fecond day of F. in the ninth year !bovefaid at L. aforefaid in the P. and W. aforefaid, did procure, and by the industry and means of him the faid T. G. did caufe the faid E. S (shen as aforefaid lurking and wandring within the City of L. aforefaid) to be taken and arrested, at the Suit of the same I. C.of and upon the aforefaid Plea of Debt upon Demand of the aforefayd hundred pounds (that is to fay) by one William Harrifen, then one of the Serjeants at Mace, and Minister of the Court aforesayd, within the said City of London, which faid E. S. fo as aforefayd taken and arrested by the aforefayd Serjeant at Mace, was brought to, and in the prilon of she Lord the King, to wit, in the aforelayd Compter, scituate in the faid Parish.

parish, de and then and there under the Custody of the faid B. B. and G. S. then Sheriffs of London, was detained by vireue of the plaint aforefaid against him the faid E. S. at the Suit of the faid I. C. upon Demand, of the aforesaid hundred pounds in the Compter aforesaid fo as aforefaid levied, yet the faid I his promife and Affumption aforefavd, as to the aforefaid fix pounds three fhillings and four pence (refidue of the aforefaid fix pounds thirteen shillings and four pence) not reparding; but deviling and fraudulently intending the aforefaid T. G. of the faid fix pounds three shillings and four pence, craftily and subtilly to deceive and defraud, the same fix pounds three shillings and four pence, nor any parcell thereof to the faid T. G. hath not vet paid, nor any wife for the fame hitherto contented (although this to do, the faid I. C. by the faid T. G. after, to wit, (fuch a Day, year, and place) aforefaid was required, by which the fame T.G. the whole Commodity, Profit, and Advantage, which he with the faid fix pounds three shillings and four pence, in Buying, Selling, and lawfully Bargaining; might have had and gained, if the aforefayd I. his promife and Assumption aforefayd, in form aforesaid made, had performed, hath wholly lost; whereupon he faith, orc. P. 10. Facobi.

CLone. If. John Clutterbooke, Thomas C. and George C. do complain A promise to Tof Richard Hammonds, in the Custody of the Mariball, &c. For fland to an Arthat, to wie, that whereas divers strifes and Controversies were had where two did and moved between him the faid I, C. and one W.C. and A. C. of the fubmit to the one part, and the aforesaid R. H. of the other part, and whereas for Arbitrement. the pacifying and determining of the same striffes and Controversies. well the lame ?. C. W. and A. as the faid R. had submitted themselves to the order and Arbitrement of one G. T. Efg. M. S. T. B: and T. C: Arbitrators between them indifferently chosen, the faid R: the twentieth Day of O: (in fuch a year) at Barkley in the County aforefaid, in confideration thereof, and in confideration of fix pence of lawfull. co. by the fame I: C: T : C, and G : C: to the faid R : then and there paid, did affume upon himself, and to the same I: T: and G: C: then and there faithfully promise to perform the Arbitrement and order by the same G: T. M: T: B: and T: R: thereupon to be made on his part to be performed, or the same R: would pay to the same I: T: and G: C. Forty pounds of lawfull, &c. when he should be thereunto required, and they the same I, T: C. and G: C, in Fact say, that the Arbitrators aforesaid, (taking upon them the charge of the Arbitrement and Order between the aforesaid I: W. and A. and of the said R: of and upon the Premisses afterwards, to wit, the same Day and year at B. aforesaid did arbitrate and ordain between the same I: W: and A: and the faid R: in Form following: fift of all, that all Suits then Depending between the aforesaid I: VV: and A: and the said R. and Ii 2

all causes of controversies should wholly cease: Also the Arbitrators aforefaid did likewise arbitrate, that the faid R. H. Should pay to the favd 7. W. C. and A. five and forty shillings of lawfull, or, upon the Fealt day of Saint Stephen then next following: And they the fame 7. T. C. and G. C. further in fact fay, That the aforefaid R. hath not payd to the same 7. W. and A. or to any of them the sayd five and forty shillings upon the aforefaid feastivall day of Saint Stephen which to him upon the fame day he ought to have payd, according to the forme and effect of the Arbitrement aforefaid: And although the fame I.W. & A. in all things & by al things have performed the arbitrement and oder aforelaid on their parts to be performed vet the faid R. his promife and affumption aforefaid, not regarding but deviling and fraudulently intending the same J. T. C. and G. C. in this behalfe craftily and fubrilly to deceive and defraud, the aforefaid forty pounds to the same I. T. C. and G. C. or any of them, although this to doe. the same R. by the same I. T. C. and G. C. afterwards (that is to fay) (fuch a day and yeare) at B. a forefaid was required, according to his promife and affumption aforefaid, bath not payd, neither for the Same hitherto any wife contented : Whereupon the fayd Plaintiffs fay. that they are damnified, &c.

for the bire of an Apprentice to be a Shipwright in a Sea, and for refusing to bring bim back according to promise.

For money due T Ondon f. John Coale late of, &c. was attached to answer Henry Cooper of a Plea, that whereas the fame H. (Such a day and year) and ever fince hitherto at London, had used and exercised, and yet doth use and exercise the Art or Mystery of a Shipwright, and one Is Voyage beyond C. then and yet an Apprentise of him the fayd H. in that Artor Muftery by three years then last past, and more had Educated, Taught, and Instructed, and him the fayd I. in that Art or Mystery, had rendred skilfull and learned . And whereas afterwards, to witt, the thirtyeth day of Aprill (In fuch a yeare) the fayd I. C. was a Ship-Master, of a certain Ship called the George, then lying at Ancar in the Port of Rochell within the County of France, in the parts bewond Sea, which faid Ship then was prepared, deligned, and appointed for acertain Voyage under the Government of the faid I. C. to be failed, made, and performed, from the Port of R. aforefaid, unto the County of Virginia, in the parts beyond Sea, there to be laden, and after the lading of the Ship aforefaid in Virginia aforefaid from Virginia aforesaid, to the Port of London, under the Government of the same 1. C, to be failed and returned, the faid 1. C. afterwards, (to witt) the same such a day and year aforesaid, at L. aforesaid, in consideration that the same H. at the especiall instance and request of the aid I. C. would fuffer the aforefaid John Cooper, then and vet Apprentise of him the faid H. C. as aforefaid, being to ferve the fayd I Coale in the Ship aforefaid, as Shipwright of that Ship during his Voyage aforesaid, as aforesaid to be made aud performed, did assume

noon

upon himself, and to the same H. then and there saithfully promise, that he the sayd Desendant, when thereunto after the Noyage was done and performed, he should be required, would pay to the same H: for the service of the aforesayd I. Cooper, so as aforesaid bestowed, according to the rate of eight and thirty shillings, of sawfull, &c. for every Month, in which the same Iohn Cooper so as aforesaid should serve the said I. Coole: And also that he the same Desendant, would bring back the aforesaid soon as the Ship aforesaid, unto the Port of London aforesaid, as soon as the Ship aforesayd after the Voyage aforesayd performed, should come to the sayd Port of London,

if the fame John Cooper thould be then living.

And although the same H. upon hope of the faithfull performance of the promise and assumption of the aforesayd 7. Coale aforesayd. did fuffer the faid 7. Cooper to ferve the aforefaid I. Coale in the Ship aforefaid, during the Voyage aforefaid, in forme aforefaid to be done and performed, as shipwright of that Ship: And although also the Ship aforefayd, after the promise and assumption aforesayd, in forme aforesaid made, from the Port of R. aforesaid, unto the aforesaid Countrey of Virginia did faile, and there afterwards to wit fuch a day and yeare) was laden, and after the lading of the fame. from the aforelayd Countrey of Virginia unto the Port of L. aforefavd did come, and there, afterwards, that is to fay (fuch a day and yeare) abovefaid, the Voyage aforefayd had performed : And although also the same I. during the Voyage aforesayd, that is to say, by the space of eight and forty moneths did serve the favd I. Coale in the Ship aforefayd, as shipwright of that Ship, and ninety one pounds and four shillings of lawfull, &c. to the same H, for the service of him the faid I. Cooper aforefaid, according to the rate aforefaid, during the aforesaid time in which the aforesaid I. C. did so serve the said I. C. in the Voyage aforesaid as aforesaid, according to the promise & assumption of the faid 7.C. were due and payable : (And moreover although the fayd I. Cooper was then living and in full life) yet the fayd I. Coale his promise and assumption aforefaid not regarding, but devising, oc. to the favd H. hath not payd the aforefaid ninety one pounds and four shillings, nor the fayd I. Cooper in the ship aforefaid, unto the Port of London aforefaid, after the Voyage aforefaid, in forme af arefand performed, hath brought back againe, according to the promife and affumption of the fayd I. Coale aforefaid: Although the faid 7. Chis to doe, after the Voyage aforesaid, in forme aforesaid performed, to wit (fuch a day and yeare) and often afterwards at L. aforefaid, by him the layd H. was required, but the fayd ninety one pounds and four faillings to the same H. or to the same, or the aforefayd 7. Cooper in forme aforelayd to bring back, hitherto hath always refuled, and yet doth refule, to the Damage of him the fayd H. of two hundred pounds, &c. And whereupon the fame H. by W. C. his Attorver doch complaine, that whereas, &c. M. 17 Car. Heref.

Cattell taken for releife.

For refcuing of TTBref. H. Robert, Biftiop of Hereford, doth complaine of Richard Hill, Anno bis Wife, and J. Nicholls in the custody of the Marshall Sec. for that (that is to fay) that whereas the fayd E. the first day of A. (in such a years) and long before, and alwaies after, man, and yet is leized in his Demesne of Fee, as in right of his Bishoprick aforesayd, of and in the Mannor of Bromyard Foren in the County aforefuld! And that one]. S. was lately feized of and in one Mc finge and two Roads of Land with the appartenances, called Newberry lying in Grendon Bishop within the Mannor of B. F. aforefaid in the aforefaid County; and fo being thereof seized the same J.S. the aforesaid Messuage and two Roods of land with the appartenances, did hold of the faid Bishop, as of his Mannor of B. F. aforefaid, in the County aforefaid, by Fealty, and Rent of pherseen fillings and foure pence of lawfull &cc. by the years, at the Feafls of the Annunciation of &cc. and of Saint Michael the Archangel by equall persions yearly to be payd; and by fervice of Smit to be done to the Cours of him the faid B. of his Mannor of B. F. aforefaid, from three weeks to three weeks, upon reafanable notice, at the faid Mannor of B. F. afore aid to be held, and by releife when it fould happen, of which fail Rents and Services the fame Plaintiff was feized by the hands of the a forefaid I. S. as by the hands of his true Tenant : And the fame Plaintiff being fo feized of the Mannor aforefaid, and of the Rent and fervices aforefaid with the appursenances, in forme aforefaid: And the forefaid I. South fo of the Meffuage aforefaid, and two Roods of landa forefaid, with the appartenances, in forme aforefaid being forced: The same J. South (fuch a day and yeare) at G. aforesaid, within the Mannor of B. F. aforefaid dyed, of such his Estate thereof soized, after whose faid I. S. death, the Messeaforefaid, and the faid two Roods of land with the appartenances, to one Philip South as fon and beire of the faid 1. S. did discend, by vertue whereof the same P. S. was of the same Messuage and two Roods of land with the appurtenances, seized in his Demefus as of Fee, and held the same of the said Plaintiff as of his Mannor aforesaid, by the Rent and Services aforesaid: And because thirteen shillings and four pence for the aforesaid Messuge, and the a forefaid two Roods of land for releife to the aforefaid Plaintiff, after the death of the faid J. S. due, were behinde unpaid : The same Plain tiff by one John Hill Gentleman then his Bailiff of the Mannor aforefaid, one Bukock at G. B. aforesaid, within the Mannor of B. F. aforesaid, in a certaine Close, parcell of the Said Tenements of the aforesaid P. S. then being, lying, and couching (such a day and years) did cause to be taken: And the same I. H. the Bullock in the name of distresse for releife afore faid: according to the Law and Custome of the Kingdome of England within the Mannor afore aid would have impounded and detained. The afor said Defendants, the aforesaid (such a day and yeare) abovesaid, within the Mannor of B. F. aforefaid, in the County aforefaid, by force and armes Ste the Bullock of orefaid, did refene, that Bullock from the famo 1. H. then and there did take and chase away, and other enormities to him they brought, egainft the peace, &c.

A ND bereupon the Same Plaintiff Saith, that H. C. Esq; who at A present is Sheriff of the County of Hereford aforesaid, and J.G. who now is one of the Coroners of the Lord the King within the County aforefuld are tenants of divers tith Lands and tenements of him the faid B. within the county aforesaid, to the term of divers years yet to come. and this he is ready to aver, whereupon the same B: prayeth the writ of the Lord the King of causing to come, of, and for the iffue aforefaid, between the fame B: and the faid Defendants in form aforefaid , joyned to be trued to I. Brace Gentleman, the other Coroner of the Lord the King in the county aforefaid to be diretted, &c: Trin: 9. Jac.

OTAFF: M. Richard Barney complaineth of R: D: in the custody of For Cetting on Tibe Marshall, &c: of that, that he (Such a Day and year) by Force a Dog to byte and Armes . 800: one Boar of him the faid R. B. of the price of forty fillings Hogs, fo that at W: in the county aforefaid found, did chase, and then and there did fet on a certain Masty Bitch to hite the Boar aforesaid, whi ch said Bitch by reason of that setting on did so bite that Boar, that that Boar in a bort time afterwards, by reason of that byting dyed, and other enormities, &c.

A L. complaineth of W. S. in the custody of the Marshall, Scc. for For heeping a A that (that is to say) that whereas the afterfaid W. a certain Dog Dog using to acoustomed to bite sheep (such a day and yeare) at B. in the County a- bite sheep. forefund knowingly did keep and retains: which fand Dog the fame (fuch a day and year o Sabovefaid then being the Dog of the faid W. at B. aforefayd in the County aforefaid, ementy Weathers and sen Ewes of him the fand A. at B. aforefand found, fo greinoully did bite, that by the bytings of the Dog aforefaid, fourteen VV enthers of the aforefaid VVeathere of the price of eight pounds and fix foilings, and four Ewes of the aforefuld Emblof the price of forty billings then and there did kill, and the residue of the weather sand Emeswere very much worse, to the Damage of bim the faid A Given pounds, and thereof be bringet h the fait, &: P: 9: Jac:

Hat whereas one N. 7. Gentleman, was seized in his Demesne For digging a as of Fee, of and in one Messuage calle ! A. in B. to which laid Ditch, and ma-Meffuage the fame W. and all his Ascellors, and all those whose Estate king a Hedge he the faid IV. bath in the ame Melluage with the Appurtenances, path. have had, and time out of minde, have been accustomed for themselves, their Farmers, Tenants, and Servants, at all times, to have a certain-Way and fooe Path, leading from the faid Meffuage beyond, and by a

Fertain Close of him the faid B. in A aforefaid, called W. next ad. joining to the Meffuage aforefaid, as well to the Village of H. in the County aforefaid, as to a certain foring in the Close aforefaid be. ing, to have and take water thereof, for the necessary use of him the favd W. his Farmers, Tenants, and Servants, in the Meffuage aforefaid to be used and occupyed, and from the Villiage and spring aforesaid to the Meffgage aforefaid: Which faid Tenements with the Anpurrenances called A. the same I. O. of the said N. now holdeth; And by three years now last past, with the lycence of one I. A. by the right of the faid I, hach held, and was Farmer thereof, by virtue of a certain Demise to the faid I. and I. for the Teatm of their lives. and the longer Liver of either of them thereof made, yet the faid De. fendant not ignorant of the Premiffes, but deviling and intending him the faid 7. as well of the Way and Path aforesaid, as of the necesfary use, advantage, and profit, of the spring and water aforesaid, to defraud and deprive hath digged a certain ditch, going over the greatest part of the way and path aforefaid, between the aforefaid Meffuage and Spring aforefayd, in the Close aforefayd, and upon the fame Ditch hath fet up a certain frish and hath plowed up and obstructed that way. by which the fame / according to the Custome used by a great time. could not profitably have the Way and path aforefayd, to the use and profit of the Spring and Water aforefayd : To the Damage, etc. Tris. 7. 7ac. Rot. 1918. The like H. 7. 7ac. Rot. 318.

riff for not executing a Capias utlagar. according to bis promise.

Against a She- D & it remembred that, &c. For that (that is to fay) That where-Das the faid w. formerly (that is to fay) In the Term of Sain: Michaell, (in fuch a year) in the Court of the faid Keepers, de. here (that is to fay) at W. had impleaded G. L. late, &c. by the name of, &c. of a Pleathat he should render to him forty pounds. which to him he then owed and unjustly detained : And the same G. for that, that he came not before the Justices of the faid Keepers, &c. at W. to answer to the faid VV. according to the Law and Custome of this Nation, he was put in the Exigents to be outlawed. in the Huftings of the faid Keepers, &c. in London, and by that occafion, afterwards (that is to fay) on Munday next after the Feafb of the Apostles P. and I. (in such a year) Stood outlawed: And whereas also the same VV. upon the Outlawry aforesayd (in such a Term and year) for the more speedy obtaining of his Debt aforesayd. did profecute out of the Court of the faid Keepers, &c. of the Common Bench here, a certain Writ of the faid Keepers, &c. of taking the laid G. lo as aforelaid outlawed, to the then Sheriff of the County of M. directed, by which lame Writ the fayd Keepers, &c. to the fayd then Sheriff had commanded, that he should not omit for any liberty of his County, but that he should take the said G. outlawed in L. (Such a day and year) at the Suit of the favd VV. of a Ples

of Debe, if he should be found in his Bayliwick, and him should fafely keep, for har he might have his Body before, &c. (Such a day) to do and receive that which the Court of the fave Reepers &c. of him thould confider in that behalf: And that he thould have there that Writ, which faid VVrit the fayd VP. afterwards, (that is to fay) (Such a day and gear) at Ludid deliver to the feyd E. P. then under Sheriff of L. Efg; then Sheriff of the faid County of M. being? in form of the Law to be executed : The aforelaid & P the aforefaid (Such a day and year) aforefaid at L. in confideration of foren fhillings to him by the fayd VV. then and there before hand paid did affume upon himfelf, and to the fayd PV then and there faithfully promifed, that he the fame E. P. the aforefaid G. by virgue of the Wait aforelaid, before the faid (Such a day) would procure to be taken and Arrested, and before the Inflices, &c. here, at the aforesaid such a day to be had, or in Default thereof, that then the fame E. P. Mould repay to the favd VV. at or before the Feast of All-Saints then next following, the aforefaid forty fhillings ! And although the favd E. P. under-Sheriff of the lavd E. D. of the lavd County of M. being, by virtue of the Writto the fayd Sheriff in form aforefayd directed, (that is to fay) (Such a day and year at M. in the County of M. aforefaid, hath procured the favd G. to be taken and Arrested ver the sayd E-not regarding his promise and assumption on afore aid, but deviling and intending him the land with this behalf, to deceive and defraud, hath not procured the aforefaid C. to be had before the Justices, &c. here at the aforelaid (Such a day) neither hitherto hath repaid the fayd forty shillings to the fayd W. according to his promise and assumption aforesaid, although he was often required, but hath denved to pay to him the fame, and yet doth deny, to the Damage of him the fayd w. of forty pounds, &c. Hill: 37: Eliz. Reng 18. g angen der G ads magu bester at had w ui by mene of which have notificatore bid Extendent

Hat whereas the fame I. (Such a day and year) was seized and Against a I yet is leized of one Melluage, oc, in K. in the County aforefaid, franger for in his Demelne as of Fee: And whereas the fame I, and all those whose Estate he the same 7. hath, in the Tenements aforesaid with the bis Common. Appurtenances, time out of minde, have had and were accustomed to have common of Pasture, in and upon a certain Pasture, containingby Estimation forty Acres, called L. in K. aforefaid, for four hundred and fixty Sheep, upon the Tenements aforefaid with the Appurtenances, lying and couching every year, at all times of the year, as to those Tenements with the Appurtenances belonging, get the fayd Defendant not ignorant of the premisses, but devising him the fayd 7. from having or receiving of his Common aforefaid for the favd four hundred and fixty Sheep, in and upon the aforefaid parcell of Pafture called L. in form aforefaid, unjustly to hinder damnifier and defraud.

bindring a Freeholder of

that in to lay if Such a day and year) of orefaid, did put four bundered Sheep of him the layd Delendant, upon the aforefaid paffure called L. to feed upon the Graffe in and upon the same parcell of Passure growing, from the aforefayd (Such a day) notill (Such a day) then mext following, divers dayes and times, which with the aforeshid four hundred there, did extend, tread down and contame, whereas the fixed Defendant had no Common of Patture for any Sheep, in and upon the favd parcell of Patture called L, by which the same I. the profit and commodity of his Common aforefaid, in and upon the aforefaid parcell of Pafture called L. with the fayd four hundred and fixty Sheep, in and upon the aforefaid Mellage coc by the time afore aid lying and couching in fo large and beneficiall manner and form, as he oughe and was accustomed by the fayd time could not have and injoy, and the aforefayd four hundred and fixty Sheep of him the fayd I. in and upon the aforefaid Mellugges erc. By the fame time lying and couching in and upon the aforefaid parcell of Passure called L. by the time aforefaid being for want of fufficient Pasture there, by the same time to have by the occasion aforelayd, from thim withheld, were very much worsted and Deteriorated: to the Damage, &c. Hill. 5. Fat. Ret. 817.

of the owner of the Freehold and maverles of Common.

Barr by licenfe T. Id S. Action ought not, because he faith. That the aforefavd fire ty Acres of palbure called L. in K. aforefayd, in which, etc. are to put in Cattel and the aforesaid time imwhich, de were the foil and free Tenement of E. Cand ?. H. and that the aforefaid E.C. and I. H. before the the prescription aforelaid time in which, ou that is to fay, (Such a day and year) aforesaid, at K. aforesaid, did give sycence to the same Defendant to put the aforefaid four hundred Ober of him the fayd Defenden into the aforefaid fixty acres of Paffare called L. the K. aforefait. in which, &c. to feed upon the Graffe in the fame then growing; by virtue of which lycence the aforefaid Defendant, afterwards (that is to (ay) Such to day and year, did put the aforelayd four hundred Sheep of him the faid Defendant, into the aforefaid fixey acres of Land called L. to feed upon the Graffe in the Isine then growing, and the lame four hundred there of him the said Defendant, were in the aforefaid fixey acres of Pufture called Liby the fame time feeding upon the Graffe lin the fame then growing, at it was lawfull for them withourthis, that the aforefayd I and all those whose Effate he the same I hath in the aforelaid Meffrage, oc. from the time, and of est, have bad and were accustomed to have Common of Passare in the aforesaid fines, acres of Passare called L. in K. aforesayd, for four hundred and fixty Sheep, upon the aforelayd Meffunge, See. with the Appartenances lying and couching every year, at all times of the year, as to the same Meffuage with the Appartenances, belonging and pertaining, as the aforefayd 9. by his Declaration aforefaid above

hove both fopposed in And this, out. And issue upon the Traverse H. Gate Hete Proentement iff the aforefaid Plant 18,18718 1801 Plant Denks Cordinals, Plate and before whole one dand fire it

Liso answer E. S. of a Plea that whereas the fame 7. E. (Such For inordinate To a day and year) had delivered thirty Oxen called Ranes, to the pasturing of hid G, to befafekept, and in the Paferes of the fald G. in O. with Cattell. Groffe sed Hay there to be fed and pastured, for a certain Sum of Money (that is no fity prosq to the fame G. by him the fill E to be daid untill a certain time (that is do fay) &c. now elab ed at G. afordaid : The aforelaid G. the Rouss aforelaid, within the time aforelaid, to negligently and excelelly did keep, pasture, and feed. that feven Oxen of the faid Oxen aforelaid, for want of due keeping and pasturing aforesaid, of the sayd G. were lean and much world to the fand B. to the Damage, &c. Trin. 17. 7at. Rin. 188.

Allace of Westminster: Declaration in Trespasse for the Kee- Trespasse for pers of the Writs, against a Clark of the Common Bench, for car- carrying away ring sway divers Bundels of West in perturbation of his Ofice bundles of in the County and it and, which colone

T Corne late, de to answer William Tricket Chyrurgion, of a Plet For a Chyrurthat whereasthe faid I. (Such a day and year) did greivoufly lan- gion who proguish of a dertain Difease called the running of the Reines, of which faid Difeafe the fame war she speciall inftance and request of the faid Defendant Lebe fait (foch a flay and year) aforelayd, had affumed upon him- would not take felf. God willing to cure the faid I, in convenient and due time, ref- them, accorperbeing had to the quality of the Difere aforefaid, and the fame I. then and there likewise upon himself assumed to Pay to the fame w. for the labour and Change of him the faid VV. in and about the Curing of that Dilente, fifty finillings, to be paid to the faid PV. in manner and Form following (that weo fay) twenty fhillings thereof when the faid I. should of that descafe be some hat cured, and the other twenty thillings relidue thereof, when he the fame 7. of that Difeafe should be perfectly healed, and the same VV. upon the agreement aforefaid, between them the faid VV and 1. (as aforefayd) had provided and compounded Divers Plaisters, Medicines, Drinks, Cordialls. Pills, and other wholfome and fitt things to cure the Difeate aforefaid, afterwards (that is to fay) (Such a Day and year) at A. aforefaid, at his proper cofts, and then and there gave notice to the faid Lithereof requiring him, that he the faid I, would take the aforefaid Plaisters, Medicines, Drinks, Cordialls, Pills, and other wholfome and fit things for the Recovery of the Difeale aforefaid, as was necessary to recover him the faid I. of that Difeafe: the aforefaid I. maliciously Deviling and intending craftily and Subtilly to deceive and Defraud the fame VV. in this behalf, and to cause him the laid VV. to loofe, as well

vided Medicines, and the ding to bis

bis Gosts and Charges aferesaid, by him, in, and about the Provision and Procurement of the aforesaid Plaisters, Medicines, Drinks, Cordialls, Pills, and other wholesome, and sitt things for the recovery of the Disease aforesaid laid out and expended; in the whole amounting to twenty shillings, as for his labour and Paimin this behalf Sustained, afterwards, (that is to say) (Such a Day and year) and alwayes hitherto at A. aforesaid, although (as aforesaid) was required, not only hath resused to permit the same VV. to use his Art of Chyrurgery in curing the said I. of the Disease aforesaid, but also to pay to the sayd VV, his Costs and Charges aforesaid, by him the said W. about the Provision and Procuration of the aforesaid Plaisters, Medicines, Drinks, Cordialls, and other wholsome and sit things for the curing of the Disease aforesaid, in Form aforesaid laid out and expended, and bath resused to satisfie the said VV. for his labour in this behalf Sustained, and yet doth resuse to the Damage of him the said W. of twenty Pounds, &c. P. 13, fac. Res. 636.

F or a Copybolder for cutting downe Trees upon bis customary Tenements.

Orb complain that whereas the aforefaid T. T. lately was and vet Is feized of and in the Mannor of H. with the Appartenances in the County aforefaid, whereof one meffuage called S, and eleven acres of Land, &c. to the fame Medicage belonging and appertaining in H. aforefaid are, and time out of mind, were, and yet are parcell in their Demeine as of Fee, which faid Tenements are and from the whole time aforefaid were customary Tenements of the same Mannon. and demifed and demifable by Copy of the Court Rolls of the Mannor aforelaid, by the Lord of the Mannor aforelaid, or by his Sreward of the Court of the same Mannor, for the time being, to any person or persons whatsoever, willing to take the same in Fee simple or otherwife at the Will of the Lord, according to the custome of the Mannor aforefaid, and the aforefaid T. C. of the Mannor aforefayd with the appurtenances, in Form aforefaid being feized, the same T. C. at the Court of him the faid T. of his Mannor aforefaid, holden at that Mannor (Such a Day and year) before M. B. then his Steward of the Court of the Mannor aforefaid, by his fame Steward, by copy of the Rols of the Court of the Mannor aforefaid, did grant to the fame I.F. the Tenements afore (aid with the Appurtenances, to have and to hold to him the faid ?. F. his Heires and Affignes, at the will of the Lord, according to the custome of the Mannor afore (aid, by the Rent and Service thereof formerly due, and of Right accustomed, by virtue whereof the same 7: Finto the tenements aforesaid with the appurrenances did enter and was, and yet is thereof Seized in his Demenie as of Fee at the Will of the Lord according to the custome of the Manner aforelaid, and whereas also there is and was had time out of mind within the mannor aforefaid, a usuall and approved custome (that is to say) that every customary Tenant of any customary Messages, Lands, or Tenements, of the Man-

ner aforefaid held by the Copy of the Rolls of the faid Mannor did not aforesite used by the whole time aforesaid were used and accu- Custome for ent and take, and from the whole time aforesaid were used and accu- Custome for stomed to cut and take the Boughes of any Trees and Woods, in, or Hedge-boot. upon his laid customary Lands or Tenements growing, as well for his necessary Fewell in his Messuage aforesaid to be burned and spent, as to repair and amend the Hedges and Fences of the Jame Lands or Tenements as often as it should be needfull, and also did eur and take, and from the whole time aforesaid, have used and accustomed to take any custome for Trees, in, and upon the same customary Lands and Tenements by the Timber Trees Lord of the Mannor aforesaid, in that behalf to be affigned, to repair to repaire the and amend his Meffuage aforesaid, and other buildings and Stru- customary Te-Cures to the fame Meffuage belonging as often as need should be, the aforelaid T. C. 7. 7. and T. A. well knowing of the Premisses, and intending very much to greive him the faid ?. F. (Such a day and year) did cut down, take, and carry away four Oakes called Pollards then growing, in, and upon a certain close of Pasture called C. containing, &c. in H. aforesaid, parcell of the customary Tenements of him the faid I. F. aforefayd, and afterwards (that is to fay.) (Such a Day and year,) five Ashes, in and upon the aforesayd close of Pasture called C. then growing, did cut down, take, and carry away, by reafon whereof, the fame I. F. neither had, nor can have the Trees aforefavd, for the necessary reparation of his Messuage aforelayd, and other Edifices and structures to the same Messuage belonging, and the boughs of those Trees, for his necessary Fewell in his Messuage aforefavd to be burnt and spent, or to repair and amend the Hedges and Fences of his Tenements aforefaid, according to the custome aforefaid : to the Damage of him the faid I. F. of twenty pounds, and thereof he bringeth his Suit, &c.

7 Hen, &c. and by Protestation, that within the Mannor aforesaid The Defen-V there neither is nor was, time out of mind, such a usuall and ap- dant demurys proved Custome as the said I. F. hath above by declaring alleadged. in Law. and demurreth in Law. Trin 12. Jac. Ret. 694.

I P. to answer the Major and Citizens of the city of Y. of a Plea, that For arrefing I whereas the aforesaid city is an ancient city and by the name of the city one within the of York time out of mind is called and known, and the same City of York is City of York and from the whole time aforesaid, was incorporated of a Major and Ci- of Y. his Baitizens, and that within that city, and Liberties and Franchizes of the liff, to the difsame, are, and from the whole time aforesaid were, yearly every year two inherisin of the Sheriffs which were chosen and sworn by the Maior and Citizens of the Liberty,&c. City of York for the time being, within the Liberties, Precinits, and Franchizes of the city aforesaid of the Freemen of of that city into the Office of the Sheriffs of that city, which Said Sheriffs of the city aforesaid, for the time being from the whole time afor aid have had and were accusto-

med and onghe to have the return and execution of all Write, Proveller, Warrants, and Precopes, to them directed or within the city oforefaid and Liberties and Precinits of the same in any manner what sever to be be done and executed, fo that no other Minister or Officer of our Lade the Queen or her Progenitors Kings of England, food be fuffered or poru mitted to execute any writ process precept or Warrant within she liberty of the city and Precinit aforefuld, by the whole time aforefaid yet the fuld Sic , not ignorant of the premises, but devising to definherit them the faid Major and Civizens in this behalf, (fuch a Day and year) by reafon of a certain warrant by one [. F. Elq:then fberiff of the faid County of York being to them made, did enter within the city aforefaid, within the liberty and Precinct of the Major and citizens aforefaid, and then and there by reason of that warrant did arrest, and imprison one I. B. in that view in pri fon of the chathedrall church of P. in York called the Ministers Gurth. within the liberty and Precinct aforefaid, to the difinherifin of them the Catal Maior, the citizens, and of the Franchifes of the city aforefaid, and to the Damage of them the faid Major and citizens of the city afore faid. &c. Trin, 46. Eliz. Rot. 1011.

For erroneoully profecuting a writ of Execution.

Obert Carew Efg, to answer F. T. of a Plen, whereas R. C. for merty (that is to fay) in the Terme of Saint Hillary (in fuch a yeare) in she Cours of the Keepers, &c. before them the fayd Keepers, commenty called the Upper Beach, the fame Court of the faid Keepers Sec. at W. in the County of M. being by Processe there in the fame County and by the Judgement of the same Court had recovered utainst one R. H. and him the faid P. T. four pounds for his Damages which he suftained as well by reason of a certaine Trespass to the said R.C.by them the said R. H. and F. T. then lately done, as for his cofts and charges by him about the Suit in that behalfe layd out: Whereof the Said R. H. and F. T. were convicted: The aforefaid R. C. evilly and malicionly intending, devi fing and plotting, unlawfully and unjuftly to greive bim the faid F.T. in this behalfe, and him the faid F. to impoverift, afterwards, that is to Say, in the Terme of Buffer, that is to Say (Such a day and years) me liciously, unlawfully, and corruptly, without any warrant, did prosecute, procure, and obtains, out of the Court of the faid Reepers, &c. at W. foresaid, a certaine writ of taking to satisfie, of the said Keepers, &co. against the aforesaid f. T. for and in the name, and at the suit of one Richard Caw Efg; and without the confent of the faid Richard Caw, to the then Sheriff of the County of D. for the time being directed, by which Same Writ the Said Keepers, &c. to the Said then Sheriff of D. common ded that he should take, &c. whereof be was convitted, as to the figs Keepers did then likewise appears of Record, and that the faid then She riff should have then there that Writ: Which faid VVrit, afterwards, that is to say (such a day and yeare) by the procurement, and at the in-Stance of Robert C. untawfully and corruptly obtained and profecuted,

at S. du the aforefaid County of D. was delivered by the faid Bobart C to one O. S. Knight, then Sheriff of the Said County of D. in farme of Law to be executed; by vertue of which faid VV rit, the fame Sheriff, afterwards, that is to fay (such a day and yeare) at S. aforesaid, tooke and arrested bim the Said F. and the Jame F. in the Prison of the Said Keepers, &c. in bis suftady in Excention for the Damages aforefaid, from the aforesaid (such a day and yeare) notill (such a day) thening at following had and kept, untill the same F, for his inlargement out of the Prison aforesaid was forced to pay the aforesaid foure pounds: To the damage, &cc.

B. was attached to answer C. D. of a Plea, that whereas the Against two. A fame . Logether with E. F. who by the due processe of the and one Out-Law in Court here had, is Outlawed, such a day and yeare, or and lawed. like mention must be made in the Declaration, Mich. 27 and 28 Eliz. Rot. 323.

Whereas the same Earl and E. have and hold the Mannor of G. terme of isfe, with the appurtenances, for the tearm of the life of her the fayd E will, for cutthe reversion thereof after the death of the fame & to the Lord the ting downe King and his Heiresbelonging, the aforefaid W Tenant of the Man- Trees, which nor aforefaid with the appurtenances, at the Will of the fame E and E fixty Oaks upon ten Acres of Land, parcell of the Mannor Aforefaid lately growing, did out downe and carry away; by reason whereof the faid Lord the King may by his Writ of Wafte recover the places in which the Oaks aforelaid did grow, against the layd E and & according to the forme of the Statute, his trobble Damages, by reason of the cutting downe and carrying away of the Oaks aforefaid : To the damage of them the fayd E and E forty pounds; one. M. 3 H. 8 Rot : 755 :

HE Defendant, &c. of a Plea, that whereas one ? C Gentle- For Refene I men (fuch a day and yeare) by his certaine writing Obligatory, made upon a bearing date the fame day and yeare, had granted himselfe co be bound wit of Latito the fayd Hin fary pounds of lawfull money of England, to be paid to the fayd H. when he should be thereunto required, with a Condition to the fayd writing Obligatory subscribed, that if the a oresaid J. C. his Executors, Administrators, or Affignes, should pay, or cause to be payd to the fayd H, his Executors or Affignes, the fum of thirty pounds of lawfull money of England, upon (fuch a day) then next following the date of the writing aforelaid, at the dwelling house of him the fayd H. in B. aforefaid, then the Writing aforefaid should be void: And whereas also the same ?. C. or his Assignes, thirty pounds in the Condition aforefayd above specifyed to the faid H. upon

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Harring the five (Such a day) next following the Date of the Welting aforelaid, or at any time afterwards, have not paid, nor the aforefaid fixty pounds to the fayd H. although after the aforefaid Such a day) the fayd ?. C. by the same H. at B. aforesaid, was required to do the same, have rendred : And the same HI for the more freedy recovery of the fayd fixry pounds, afterwards (that is to fay) (Such a Term and yeare) did profesure out of the Court of the favd Keepers, Go. before them the faid Keepers, in the upper Bench at W. in the County of M. being a certain Writ of Latitat, of them the faid Keepers, to the then Sheriff of L. directed, by which fame Writ, the same Keepers, &c. had commanded to the then Sheriff, that he should take the faid I. C. if he should be found in his Bayliwick. and him should safely keep, so that the same Sheriff might have his Body before the fayd Keepers, &c. in the upper Bench at W: (Such a day) then next following, to answer the fayd H: of a Plea of Tref. passe, which sayd Writ, the same H: afterwards, that is to say. The day and year aforesaid, at B: aforesaid, to one R: O: then Sheriff of the County aforefaid, had delivered in form of the Law to be executed : And whereas also the same R: O: afterwards, (that is to (av) (The day and year aforefaid) then Sheriff of the aforefaid County of L: being at B: aforefaid, had made and directed his certain Warrant in Writings, sealed with the Seal of him the sayd R: O: to one A: H: and F: H: Itenerant Bailiffs for that time only and by vietue of the Writ aforesaid, to him in form aforesaid directed, to the same A: and H. jointly and severally by the same Warrant had commanded, that they thould take the faid 1: C. if, &c: And fafely, &c. fo that the same Sheriffs migh have him the fayd I: C: before the fayd Keepers, &c: in the upper Bench at W: (Such a day) then next following, to answer the fayd H. of the Plea aforesaid; By virtue of which Warrant the favd of: and F: afterwards, and before thesforesaid (Such a day) the return of the Writ aforesaid, that is to fay (Such a day) at B: aforefaid, within the Bayliwick of the fayd Sheriff of L: the aforesaid I: C: had taken and Arrested, and in their Custody had the fayd A: H: afterwards, (that is to fay) (Such a day and year aforefaid) at B: aforefaid on the aforefaid A: and F. made an affault, and the aforefaid I: C: out of the taking and Arrefting aforefaid, out of the Custody of them the said A: and F. aforefaid, and against the will of them the faid of: and F: did take and rescue, so that the same Sheriff could not have the aforesaid I: C: before the faid Keepers, &c: in the upper Benchat W: aforefaid, at the faid (Such a day) as it was commanded him . And the aforefaid I: C: after the refene aforefaid, in form aforefaid made, hath not only withdrawn himself, to places beyond the Seas, so that he could never afterwards, hath been, or for the future, can be taken or arrefted, for the faid fixty pounds, or in due manner impleaded, but also in his Goods and Fortunes

tunes is fo much impoverished, that nothing alrogether remaineth to him whereby he may farisfy the faid fixty pounds, or any penny thereof, to the said H. to the Damage, &c. the Defendant pleaded not guilty, H. 7. 7ac. Rot. 1704.

S Mith against Wells. And whereuponthe said R. (to whom Ad-Trover for an ministration of all the Goods and Chattels, which were of the said Administrator A. at the time of his Death, by divine Providence Arch - Bishop of for goods loft C. Go. (Such a day and year) at, Go. after the Death of the faid A. of the Inteffate were committed) by H. M. his Attorney doth complain, that whereas the faid . in his life time, was possessed of two Oxen, of the price. oc. as of his own Oxen: And being thereof fo poffeffed, the faid A. loft those Oxen out of his hands and Possession, which said Oxen. afterwards, (That is to fay) Such a day and year, at B. in the life of him the faid A. by finding, came to the hands and Poffession of the faid T. vet the faid T. knowing those Oxen to be the proper Oxen of him the faid A. and to him in his life time to pertain, and to him the faid R. after the Death of the faid . as Administrator of the Goods and Chattels which were of the faid A: at the time of his Death, of Right to belong and pertain, and deviling and fraudulently intending, craftily and subtilly to deceive and defraud the said A, in his life, and him the faid Administrator after the Death of the faid A the same Oxen to the faid A: in his life, or to the faid Administrator after the Death of the faid A. (although the same T: by him the said Administrator, was often required to do the same, after the Death of the laid A.) hath not delivered, but those Oxen, afterwards, that is to fay (Such a day and year) at B. aforefaid, hath converted and difposed to his own use, to the Damage of him the said Administrator twenty pounds: And in delay of the Administration of the Goods and Chattels aforesaid, and thereof, &c. And he produceth here in Court the Letters of Administration, &c. which testifie the Commission of the Administration aforesaid, in form aforesaid, &c. Not guilty pleaded, P. 14. James Rot. 2003.

in the life time

ND the faid Defendant by C. F. his Attorny, cometh and defen. A default in A deth the Force and injury, when, &c. and faith nothing in Bar Trefaffe and in Cafe. of the said Action of the aforesaid I. by which the said Plaintiff remaineth against the said Defendant thereof undefended, for which the faid Plaintiff ought to recover against the faid Defendant his Damages, by reason of the Trespasse aforesaid, (if in Trespas upon the case then by reason of the premisses) ego, but because it is unknown to the Court here what Damages the faid Plaintiff hath sustained by reason of that Trespas (or thus by reason of the Premisses) it is commanded to the Sheriff, that by the Oathes of honeft and lawfull men of the County aforefavd, he may diligently inquire what Damages the aforefayd P.aintiff

Plaintiff heeb fullained, as well by reafon of that Trefoes (of thus be reason of the premisses) as for his costs and charges by him about his Suit in this behalf laid out, and the inquificion which, Ger the Sheriff cause to appear here from the day of Eafter in fifteen Days; under hie Seal and the Seals, &c.

A Writ of Inquiry awarded against the Plaintiff, for an avow fon.

Twhich Day here came the aforefavd T. W. by ?. B. his Actorny and the aforefaid w. K. folemnly required came not, neither profecuted his Writ aforefaid, therefore it is confidered of, that the not projecuting a forefaid Vy. K. and his pledges may be from thence in mercy & the faid T.N. may go without Day oc. and that he may have the return of the aforefaid, e.c. find out the names of the Pledges, e.c. and in fuch fore che, the theriff cause to appear here in eight Days of Saint Hillary, che, and by the statute, oc. it is also commanded to the sheriff, that by the Oath of twelve, etc. he may diligently inquire what Damages the aforefaid T. N. hath Suffained by reason of the premisses, as for his cofts and charges by him about his Suit in this behalf laid out, and the inquificion which & c. the Sheriff cause to appear here.

Judgement against the Plaintiff when the Defendant maged Law.

ND the faid Defendant came and defended the force and injury when &o, and faith, that he doth not owe to the faid Plaintiff the faid twenty pounds nor any penny thereof in the form in which the faid Plaintiff hath above declared against him, and this he is ready to Defend against him and his Suit, as the Court shall consider of. and prayeth instantly to be admitted to do his Law thereof, &c. and he is admitted coc. and hereupon the aforefaid Defendant hath done his Law aforefaid, thereof himfelf with twelve men, Or. Therefore it is confidered of that the faid Plaintiff take nothing by his Writ aforefaid. bur be in mercy for his falle clamor, and the faid Defendant may go thereof quiet, &c.

Judgement in Replevin upon Demu yrer in Avenny, &c.

A T which Day, here came as well the aforefaid W: as the aforefaid 7: by their Atturnyes aforefaid, whereupon the premittes being feen, and by the Justices here more fully understood, it feemeth to the Justices here, that the avowry aforefaid is fufficient in Law to avow him the faid 7 the just taking of the eattel aforfaid in the aforelaid place called A: Therefore it is confidered of that the aforefaid I: may have the perior of the Cantellaforefaid to be derained to him irrepleviable for ever, and the aforefaid Plaintiff in Mercy &c. and hereupon the aforefaid Defendant by the flucture, & at the Writ of the faid Keepers, Sec: to inquire of Damages, and to him it is granted, returnable here from the Day of Saint Michaell in three Weeks, &c. At which Day here came the aforefaid Defendant by his Attorny aforefaid, and the theriff (that is to fay) I. R: and I. B: returned here a certain Inquifftion be ore them at Saint Johns street, in the County aforesaid, the

truth

senth Day of w. last past, by the Oarh of twelve, de taken, by which it is found, that the aforefayd Defendant buth fuftained Danages by reason of the not paying of the rent aforefayd, besides his costs & charges by him about his Suit in this behalf laid out, to twelve pence and for his colle and charges to ten shillings, therefore it is confidered of shat the faid Defendant may recover against the faid Plaintiff his Damageraforefaid to ten shillings by the Inquisition aforesaid in Form aforefeid found, and also ten shillings to the fame Defendant at his request for his costs and charges aforefaid, by the Court here for increase adjudged, which faid Damages in the whole do amount to twenw fhillings, 60. T. 13. H. S. Ret. 469.

A Freewards the Processe thereof between the parcies, &c. after. Otherwise up-A wards, de. Therefore it is considered of, that the aforetaid De-ona Replevin fendant as Bailiff of the aforefaid P. may have return of the Carrell after a Verditt aforefaid, to be detained to him irrepleviable for ever, and that the Plaintiff, with lame Defendant as Bailiff of him the faid P. may recover against the increase of faid I, his Damages aforefaid, according to the form of the flature a- coffs. foresaid to thirty shillings, by the Jurors aforesaid, in Form aforesaid affeffed, and also sen faillings to the faid & as Bailiff of the aforefaid P. at his request for his costs and charges aforefaid , by the Court here of increase adjudged, which laid Damages in the whole do amount to forcy fhillings, and the aforefaid I.M. into mercy, &c.

A Twhich day the Jurors between of the Plea aforesaid, was put Judgement in A therof between them into respit here until this day (that is to fay) Detinue for from the Day of Saint Michael, inthree Weeks then next following graine. unless the Justices assigned to take the Affizes in the County aforelaid. by the Form of the Racute, or at H. in the County aforefaid first thall come. And now here at this Day came the aforefaid. I. P. by his Attorny aforefaid, and the faid Justices at the Assizes before whom, de. fent here their Record in these words, Afterwards, &c. Therefore it is confidered of, that the faid I. P. may recover against the faid R. the Corn and Rye aforefaid, or the aforefaid thouland pounds for vahe of the fame, and his Damages aforefaid to twenty Thillings by the Turors aforefaid in Form aforefaid affeffed, and also fix fhillings and eight pencero the same I. P. for his costs and charges aforefaid at his request, by the Court here of increase adjudged, which faid Damages in the whole do amount to fix and twenty fhillings and eight pence, and the faid R. into mercy, P. 7. H. 8. Ret. 306.

Brooks of London Efq; to answer William Dethick, otherwise For scandalous principall Garter to the King of our English Armes, that whereas words spoken the Same W. is our good true faithfull and leige man, and of generous Herald. blood, and of bonest name, and as our good true faithfull and leige man hitherto

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hitherto from the time of his Nativity bath excellently behaved and carried bimselfe, of good name, fame, reputation, conversation, estimation. credite, and dignity, among ft all the Lords, Peers; and famous men of this our Kingdome of England, and all men of Chivalry, and very many other Gentlemen, and our faithfull subjects, was knowne, called, bad, and reputed; and by the whole time afore aid hath lived and remained from any crime of falfity deceit, for mearing, or perjury, or with the fufpition of the same, or blemish of any other wicked and hurtfull crime unattainted: And whereas we by our Letters Patents, fealed under our great Seale of England, bearing date at W. (such a day and yeare) for the faithfull and laudable services of him the sayd W. for us imployed, and his great experience of divers Countreys, and knowledge of divers languages, of our special grace, certaine knowledge, and meer motion, have required, made, constituted, ordained, created, and crowned him the layd W. into the Office of the principall King of the English Armes, and cheife Officer of the Armes of the famous Order of the Garter, by the name of Garter, and him the Sayd W. in the Same Office, with the fyle, title, liberties, priviledges, preheminencies, and profits, to the same Office pertaining, by the same Letters Patents during his life have really invested and crowned: And the faid W. yet is principal King of our English Armes, and cheife Officer of the Armes of our Order of the Knights of the Garter: And whereas the lame W. D. otherwise Garter. by reason of his Office aforesaid, had had and received divers stipends, fees, remards, profits, and great benefit; as well of all the Nobles. Peers, and Lords of this Kingdome of England, as of the Knights Batchelors. and divers other persons, to the honourable sustentation and supportment of his estate, degree, and dignity, yet the faid R. being not ignorant of the premises, but out of his meer and evill malice, devising to hurt, detract, darken, blast, and utterly to destroy, the name, fame, estimation, credit, and dignity of bim the said W. tobring into trouble, vexation, scandall, and infamy, openly and publikely, in the presence and hearing of divers of our leige people, at L. did fay, repeat, affirm, publish, and pronounce, to one H.D. Efg; Brother to him the faid W. thefe falfe and scandalow words following (that is to fay) Thy Brother that is called Garter (meaning the fayd W.) is a perjured Knave: By name thy Brother that is called Garter (meaning the aforesaid W.) By reason of the saying and pronouncing of which sayd scandalous and falfe words, the same W. is not onely of his good name, fame, credite, dignity, and estimation, extreamly damnified and burt, among ft our Nobles and Lords of our Kingdome of England, but also amongst all men of the Order of Chivalry, and very many other Gentlemen, and our faithfull subjects, with whom formerly he used duely to frequent: To the damage of him the said W. of a thousand pounds &c.

and I eld now thunself of the ore or we the

A B. complaineth of C.D. and E. his Wife in the custody of the Mar- For |candalous hal of the Marshalley of the Keepers of the liberty of England by words concernthe Anthority of Parliament, before them the faid Keepers, in the upper ing murder and Bench at W. being, for that, that is to fay, that whereas the fayd &. now is a good true, faithfull, chafte, and honest person of this Nation 1 and as a good, true, faithfull, chafte, and honest person of this Nation, without any unchaste, uncivill, or light carriage of life, or luspition of the fame, wholly untainted and free, hath alwayes hitherto from the time of her Nativity behaved her felfe, lived, and continued and of good name, fame, condition, credite, conversation, repute, and behaviour (as well towards all her Neighbours, with whom the hath fo lived and continued, and other faithfull and worthy perfons of this Nation, as also more especially as a naturall, carefull, loving and kinde Mother towards all her Children, using and endeavouring with her cheifest care and diligence, by all meanes possible she could, for the preservation of their health and welfare) by all the time aforesaid. bath been esteemed, accounted, and reputed; the feare of God alwaves having before her eyes, and from any kinde of Felony, Murder, killing, flaying, poyloning, dishonesty, incest, fornication, adultery, incontinency, light behaviour or carriage, or other such like wicked and base crime, and from the procuring of such like wickednesse, or of the fame in any manner what soever noted or suspected, by the whole course of her life hitherto free, cleer, and thorowly and wholly unsuspected hath remained, lived, and continued . By reason whereaf the fayd E. hath not onely deservedly had and obtained the love, favour, and good will of all her Neighbours, and other faithfull and worthy persons of this Nation, but also hath kept and conserved her felfe, fame, opinion, estimation, repute, and all her Chattells, Lands, and Tenements fafe and unattainted, fafe, fecure, and unattainted in no wife subject to the rigour of the Law for such like mischeifes and offences, made and provided : Yet the faid A. B. being not ignorant of the premifes, but envying the happy estate and condition of the layd E. and maliciously intending not onely to deprive her the fayd E. of her good name, fame, credite, estimation and repute aforelayd, and to bring and induce her the fayd E, into the hare and evill opinion of all her Neighbours, and other worthy persons of this Nation. but also innocently to cause her to be brought into danger of forteiting of all and fingular her Chattells, Lands, and Tenements, and loofing of her life (fuch a day and yeare) at London aforelaid, to wit, in the Parish of the bleffed Mary of Bow in the Ward of Cheap in London, these falle, fained, scandalous, and opprobrious words following (then and there having speech and communication with divers faithfull and worthy persons of this Nation, and with the said E. of F. G. then deceased, late one of the Children of the sayd C. D. and

and E, the now Plaintiffs) in the presence and hearing of divers of her Neighbours, and other faithfull and credible persons of shis Natichen and there being prefent, and hearing openly and publickly. and with a Lond voice did fay, affirm, detlare, and publish, to the fayd E. (that is to fay) Thon. (meaning the favd E. one of the Plein. tiffs) wast the death of one of the Children (meaning the fayd F. G. deceased I And the faid A. B. out of for and to the same malice envy and evill intention, afterwards, to witt, f such a day and year at L. aforefaid, in the Parish and Ward aforefaid, these other falle fained, frandalous, and approbrious words following, (The faid C. D. and E. baving then and there, before that time had two Children (that is to fat) H. I. and K. L. being both then dead, of the Bodyes of the faid Plaintiffs C. D. and E. lumfully begotten) in the prefence and hearing of divers of her Neighbours, and other faithfull and worth persons of this Nation, then and there being present, and hearing openty and publickly with a loud voice, did fpeak, declare, and publish of the laid &. (to witt) She (the faid E, one of the plaintiffs mouning) billed one of her Children (One of the faid deceased Children meaning) And the faid A. B. out, of, for, and to the fame malice, envy, and evill intention, afterwards, that is to fay, (Such a day and year) at L. aforefaid, in the Parish and Ward aforefaid, the faid, C. D. then and by the space of twelve years, next before, being her lawfull Husband, by whom the had three Children (that isto fay) F. G. H. J. and K. L. then living of the Bodyes of the favd Plaintiffs, C. D. and E. lawfully begotten, whereof one (that is to fay) The faid K. L. the twelfth day of F. in the year of our Lord, one thousand fix hundred fifty and one, and not before, at London aforefaid, in the Parish and Ward aforefaid, was born, and then brought forth into this World, this other false, famed, toandalous, and opprobrious words following, to the faid B, did fay, affirm, declare, and with a loud voice publish, in the presence and hearing of divers of her Neighbours, and other credible, faithfull, and worthy perfons of this Nation, to witt, You (Meaning the faid E, one of the Plainiffs) have played the Whore, and committed whoredome and adultery, within a year last past, and never a one of your Children, (the Children aforefaid meaning, are your Husbands own (the aforefail C. D. one of the Plaintiffs meaning) Whereas in truth the faid E. no Murther, Felony, Adultery, or Fornication, ever committed or perpetrated, by reason of the laying, speaking, affirming, publishing, and declaring, of which false, stined, scandalous, infamons, and approbrie ous words, the faid E. is not only extreamly hure and damnified, in her good name, fame, Credite, and estimation aforesaid, amongst her Neighbours and other faithfull and worthy perfons of this Nation, to whom the innocency of the faid E. in this part was unknown, (who before the speaking and publishing of the faid words, were nied used to keep company, confore, and have familiarity with the sayd E. and with her the said E. before that time used to negotiate, deal, contract, buy, and sell with, but also in danger of sorseiving of all her Chattels, Lands, and Tenements, and innocently to be brought into danger of her life as aforesaid. And thereupon her Neighbours have dayly, more and more resused and yet do resuse and withdraw thems selves from the company and familiarity of her the said E: whereby the sayd C. D. and E. say, That they are Dampissed, and have Damage to the value of two hundred pounds; and thereupon they bring this Suit, &c.

With this, that the said C. D. and E. his Wife will verefie, that these words, to witt (Ton mere the death of one of you Children) according to the phrase intelligence and common and usuall acceptation of the people, dwelling, inhabiting, and residing, in and about the City of London, and the County of Middlesex, do signific as much as and are equivolent and equivalent to these words (that is to say)

You killed one of your Children.

Day and year) had demifed to the faid I. one Messuage and one king a Fence. Orehard to the fame Meffuage adjoyning, called & containing by Estimarion two acres of Land with the appurtenances in N. to have and to hold to the faid I. from the Feaft, &c. untill the end and Term of one whole year from thence next following, by virtue of which Demile the fame 7. into the Tenements aforefaid with the Appurtenances didenter, and was, and yet is thereof poffeffed, and the aforefaid T. is. and long fince was feized in his Demelhe as of Fee of one Meffuage called R. in M. aforefaid next adjoyning to the faid Melfuage called S. and the same T. and his Ancestors, and all those whose Estare he the fame T. hath in the faid Meffuage with the Appurtenances called A. time out of mind were used and accustomed, the same Messuage with the Appurtenances to inclose, and with Hedges or Ditches to fence from the aforesaid Meffuage called S. So that no Damage, detriment or butt whatfoever, might any wayes happen or come to Occupiers. of the Meffuage aforefaid called S. by the Cartel of any one coming in, going our, or entring, for want of inclofure aforelive, yet the fayd T: lo negligently and infufficiently, hath kept the Hedges, Disches, and Fences aforefayd, and fuffered the same to be unrepaired and lye open that not only the Cattel of others for want of fufficient inclosure aforefaid, into the aforefaid Messurge, called S. upon the possession of the fayd 3. being, ofcentimes did enter, and the Graffe and Herbage there growing and being, did eate up and wafte, but alforhe Carrell of the layd ?. in the layd Messuage called S. being, for want of the Fences aforefayd, into the fayd Meffuage called R. did enter and elcape, and the same Cattell by the aforesaid T, and his Servants, were beaten

beaten and exill dealt with, and often taken and Impounded, and from the eferefuld I. by a great time detained, untill the lame I for that Trefpeffe with the faid T. had agreed, or by Suit for the fame had recovered, by which the faid I neither the profits of the Tenements aforefaid with the Appurtenances called S. for the hurt and devastation of others would injoy, nor the Graffe of the fame Tenements with the Appurtenances with his own Cattell to receive, nor within the same safely to contain, but often by reason of the evill Inclosure aforefaid, the Cattell of him the faid I, wandering from thence were fo frayed away, that he for a long time afterwards toff the necessary use and labour of the same, and divers manner of waves was disturbed, to the Damage of him the faid I. of ten pounds, e.c. And whereupon, &c. doth complain, that whereas the aforelaid E. P. (as above untill) and the aforefayd T. is and long fince (that is co (ay) by fifty yeares now last past, was feized in his Demelne as of Fee, (as above untill) to that no Damage, Detriment, or hurt, might any wayes happen or come to the Occupiers of the Meffuage aforefaid called S. by the Cattell of any one coming in, going out, or entring, for want of Fences aforefaid; ver the favd T. from the faid time of the Demife made, untill the day of the iffuing forth of the original Writ of him the faid I. (that is to tay) Such a day and years to negligently and insufficiently the Hedges de Cas above untill thele words) not only the Cattell (that is to (and). Horles, Cowes, Hoges, and Sheep, of other men, for want, de. (as above untill these words) often times did enter (that is to say) Every day from the aforesaid time, of the Demise aforesaid made. untill the aforesaid (Such a day) and the Graffe and Herbage, de, (as above untillehele words) but all the Cattell (that is to fay Go, of him the faid I. in the aforelaid Meffuage called S. Ge. To the Damage of him the faid I. of ten pounds, and thereof he bringeth the Suit; &c. Tain. 9. Eliz. Ret. 1441.

Moon a custome the goods of a Citizen deceafed, to be divided into three parts.

Y K. of L. E/g; and A. his Wife, Executrix of the Testament of in London for J. W. to answer T.S. and K. his Wife, Daughter of the aforefayd W. C. Cittizen, free man and of London deceased, of a Plea that whereas within the City of London, is had, and from the time of the contrary of which the memory of man is not extant was had, such a Custome used and approved, within the same City (that is to say) That whenfoever any Cittizen or free man of that City, hould have a Wile, and Child or Children of his Body lawfully begotten, and dye " Cittizen and free man of the City aforelayd, that all Goods and charrels, and also debts & sums of Moneys to the same Cittizen and free man due, which were of fuch Cittizen and free man of the City aforefaid deceased, at the time of his Death, besides his reasonable and neceffary expenses about the Funerall and folemnity of the buriall of the

fame

fame Cittzen, and also the Debts which he owed at the time of his Death paid, which should come or pertain to the Executor or Administrator of him the deceased, after his Death ought tobe divided into three equall parts, and by the whole time aforefaid, have accultomed to be divided, whereof one part of those three parts, may fall and ought, and bath accustomed to fall to the Wife of such Citizen and free man deceased, the second part thereof doth pertain and ought, and hath accustomed to pertain, to the Executor or Executors of the Testament of such Citizen and tree man so deceased, or to the Administrator or Administrators of the Goods and Chattels of him the Deceased, for the health of his Soule to be distributed, and thereof to pay and fulfill his Legacies, according to the last will of the same Deceased, or according to the discretion of his Executor or Executors, Administrator or Administrators, as cause should require: And the third part thereof to all and fingular the Children, Males and Females of the same Citizen and free man so deceased, (which in the life of their Father, with the Goods of their fayd Father, thould not be sufficiently provided) may fall, and ought to fall, according to the Custome aforesid, any Legacy by him the fayd Citizen and free man so deceased, in his Testament to any person or any persons thereof before made, to the contrary thereof notwithstanding: And aichough the fayd W. C. in his life, having the aforesaid K. of his Body lawfully begotten, with the Goods of him the fayd W. in his life, not sufficiently provided for, according to the Law and Custome of the City aforesaid, at L. made his Testament and last Will, and by the same hath disposed his Goods and Chattels, and also his Debts to him due to divers persons, against the Custome aforesaid, and hath appointed the aforesaid A, his then Wife, his sole Executrix of his Testament and last Will aforesaid: And afterwards the aforefaid w. Citizen and free man of the City aforesaid, at London aforesaid died, having at the time of his Death, Goods, and Chattells, and Debts to him due, besides his reasonable and necessary expence about the Funerall of the buryall of him the fayd W. C. and also the Debts which the same W. C. at the time of his death owed in the whole amounting to the fum of one thousand and fixty pounds, which to the hands of the fayd Executrix after the death of the faid W. C. came: Whereof the faid after the death of the fayd VV. her Father, which in the life of him the favd VV, with the Goods of the faid VV. was not sufficiently provided, according to the custome aforesaid the ought to have the third part, to the value of five hundred pounds of the Goods and Chattels due which were of the faid VV. C. Father of the hid K. at the time of his death, besides the reasonable and necessary expences about the Funerall and solemnity of the Buryall of the said VV. C. and also the Debts (which the same VV. at the time of his death owed) payd, yet the aforelayd 7. and A. the faid third part of M m

her the faid K. of the Goods, Chatrells, and Debts aforefaid, after the death of the faid VV. from the faid T. and K. unjustly detaine, and have denyed to tender the same to them, not to the little damage and greivance of them the sayd T. and K. against the custome aforefaid, &c. And whereupon, &c. doe complaine, That whereas within the City of L. is had, &c. (as above untill these words) according to the saw and Custome of the City aforesaid (Such a day and yeare) at L. (in such a Parish and Ward) made his Testament and last Will, and by the same disposed, &c. (as above untill these words) And afterwards the sayd W. free man of the City aforesaid, (Such a day and yeare) at L. in the Parish and Ward aforesaid, died, &c. (as above in the Writ untill these words) and against the Custome aforesaid: Whereupon they say, that they are damnified, &c. Trim. 19, Eliz, 1447.

Against the Clark of the Treasury, who by colour of his Office tooke Extortion.

A. Gentleman in his proper person of F. G. Gentleman, Clark of 1. D Knight, cheif Tuffice of the Court of common Bench here, present here in Court in his proper person of a Plea of Trespas upon the case, for that (that is to say) That whereas the aforesaid G. by the aforefaid theif Justice long fince, was and yet is Deputy, and abpointed amongst other things to receive and allow Writs of correcting of Errours to the same cheif Justice from time to time directed, and to remove and certifie the Records and Processe, with all those things touching the fame in which Errours thould happen, or thould be supposed to intervene into the Court of the Keepers , &c. before them the fail Keepers in the upper Bench at W. and to grant and make Writs of Superfedence of not mole fling for the fecurity or Delivery out of Pulan the party or parties which blookd profecure fuch Writs of correcting of Errours, taking for his Fees thereof of ancient due, and of right accustomed and whereas also the aforesaid T. A. (Such a Day and year) was Our-Lawed at the Suit of one T. S. for you which were adjudged to the faid T. S. by the Diferetion of the Court of the common Bench bere; for his cofts and charges according to the Form of the Statute thereof provided, for that, that a certain Bill upon demand of eight pounds by him the faid T. A. against the faid T. S. in Court here exhibited, whereof he had pleaded to try the iffue of the Country, after the iffue thereof joyned, had not profecuted, by reason of which faid Outlary, the faid T. A. afterwards (that is to fay) (Such a Day) then next following by a Writ of the faid Keepers, &c. of taking the Out-Lawed from the Court here isluing, directed to the Sheriff of M. at W. was taken and arrested, and in the Prison of the faid Keepers, or. there under the custody of him the faid Sheriff, was detained, and moreover, whereas the aforesaid T. A. for having of his Liberty and for making void of the Outlary aforefayd, for that that in that Outlary manifest Errour intervened, (Such a Day and year) did profe-

me of the Court of Chaucery, of the faid Keepers, cor, at W. a certain Writ of correcting the Errones, to the faid cheif Justice directed, certain Writ of correcting the Record and Process aforesaid of three to remove and certific ithe Record and Process aforesaid of three to remove the Court of the frid Quelery, with all things touching the fame, into the Court of the frid Keepers, de before, dre, at WV. at a certain Day in the fame Writ specified which said Writ of Errour (the same Day and year) was delivered to the faid E. at W. aforefaid, and whereas alfo the Fees of ancient due and of Right accustomed by the faid T. . to the fame G. to be payd, do not exceed the Sum of two shillings and fix pence of lawfull Mony of England, yet the faid G. machinating and intending very much to greive him the faid T. e. by colour of his Office, and in the name of his Fees aforefaid, did require of the fame T. of for allowing of that Writ of Errous, and other things couching the lame to be granted and done, thirty feven shillings of lawfull mony of Buchend and the faid G. wholly refused to allow the Writ of Errour, and to grans and deliver a Superfeden, to the fame To A of nor molesting him thereoffor his Delivery out of Prison in which he was fo derained by realon of the premifes (the aforefaid thirty feven fhillings being nor paidro him the faid G.) by which the fame T. A. for want of the laid Writ of Superfedent was detained in the prifon aforefaid, untill the fame T. A had fatisfied the aforefaid G. of the aforefaid thirty feven billings by him for the cause aforesaid exacted, to the Damere of him the faid T. A. of twenty pounds, and thereof he prayeth remedy, dec. Pledges of projecuting I. D. and R. R. See the like against a Sheriff Eaften tearm 38. Eliz. Rot, 1608.

Atthew R. aforraine Merchant, complaineth of C. H. a forraine upon a Bill of Merchant in the cuftody of the Marfball, &cc. for that (that is Exchange afto fay) that whereas one L. R. being a formaine Merelbent in Antwerp ter acceptance, in the parts beyond the Sea, according to the custome of Exchange among & &c. promise Merchants whed load lately delivered to one Daniel R. to the wife of him the faid D. fixteen paunds feerling, then of the value of fixteen pounds of lawfull money of England, of the goods and chattells of him the faid Luke Reymond, with that intention, that the faid Charles othen being Factor of him the faid Daniel, fould pay to the aforefaid Matthew in England, finteenpoundsof lawfullmoney of England, within eight dayer name after the fight of the on Bill of Exchange, by him the fayd Daniel made, and to the fame Charles directed: And whereas alfo is bind and from the time of the contrary whereof, the memory of men is not extant mas had fuch a cuffome within the Kingdome of the Lordthe King new of England, between English Merchants, or Forrainers and their Factors or servants used and approved, that if any Merchant or Merchants aforefaid; on their Factors or ferwants, being in the parts beyond Sea mithaut the aforesaid Kingdome of England, should deliver to any person in the same parts beyond Sea being, any sum of moneys to be paid M m 2 64

by any person in the same Kingdome of England being, by Bill or Water of Exchange thereof made, foodld fo accept and subscribe from the whole time above aid was chargeable and bath been accustomed to be chargeable to pay the faid fum of moneys to fuch perfon as by the fame Bill or Note of Exchange bould be limited and expressed to be payd: And whereas the Came D. for the payment of the faid fixteen pounds, according to the custome of Exchange aforefaid between Merchants wied, by a certaine Bill or Note of Exchange, bearing date in Antwerp aforefaid, the eighteenth day of August in the years of our Lord 1609, according to the computation of England, and with his proper hand subscribed and to the fand C. H. diretted, ban requested the Same Charles to pay spen the fight of the same Bill of eachange to the fayd Matthew, by the name of Matthew Reu'e, the law of fixteen pounds of lawfull money of England, for the value thereof there received of the faid L. Reymond a Forrain Merchant : And whereas also the same Matthew Reuse, afterwards (that is to (ay) the fixth day of September in the years of our Lord, 1605. aforesaid, at London in the Parish of the blessed Mary of Bow, in the Ward of Cheap in London, the aforefaid Bill or Note of exchange to the faid Charles then being Factor of the faid D. in England, did fhew the same Charles, upon the fight of the same Bill, then and there did accept that Bill, and his proper hands did subscribe, according to the custome between Merchants used, and thereupon the same C. then and there in consideration of the premises, did assume upon himselfe, and to the same M. Reuse then and there faithfully promise that he the same C. the same fixteen pounds of lawfull money of England to the fame M. R. within eight dayes then next following, well and truely would pay and content. yet the faid C his promise, &c but devising, &c. the aforesaid sixteen pounds to the same M. R. bath not yet paid, nor any wife for the same contented, although the same C. afterwards, that is to say, the one and twentieth day of S. then next following, and often afterwards, at London aforefaid, &c. by him the fayd M. was required, but the fame to him bitherto to pay bath alwayes refused and yet auth refuse, to the Damage, &c.

A promise in consideration of a marriage by an Execu-

Surrey st. Rogerus Tompson Gentleman, and Barbara his Wife, Executrix of the Testament and last Will of Richard Saker lately ber
Husband deceased, doe complaine of Edward Drake Gentleman in the
cystody of the Marshall, &c. for that (that is to say) that whereas
(such a day and yeare) at Reygate in the County aforesaid, a certain
conference and discourse was had and moved, betweene the aforesaid E.
and the aforesaid R. in his life, of, and concerning marriage between the
same R. and the aforesaid B. then servant and Kinsmoman of him the
said E. to be had and solemnized: Upon which sayd conference and discourse, the same E. then and there, in consideration that the aforesaid Ro
at the special instance and request of him the sayd E. mould take to his
wife

wife the aforefaid B. and the same, according to the Ecclesiaficall rites of this Kingdome of England would espouse, he did affume upon himfelf. and to the fayd R. then and there faithfully promife, that he the fame B. ten sounds of lawfull money of England, one Heifer and two Piggs, to the fame R. bis Executors or Administrators, when thereunto (after the marriage of them the fayd R. and B. had and folemnized) be Bould be required, well and faithfully would pay, give, and deliver: And the Came Roger and Boin fall fay, That the fayd Richard in his life, to the promise and as sumption aforesaid of the Said E. giving credite, afterwards that it to fay (such a day and years) at R. aforefaid, in the Complatorfaid, tooke to his Wife the forefaid B. and the fame B. according to the Ecclesiasticall Rites of this Kingdows of England, then and there did esponse (yet the said E. his promise and assumption aforesaid in no wife regarding, but devising and fraudationally intending the said Richard in his life, and the aforefaid B. after the death of the faid Richard whill the was fole, and the aforefaid Roger and B. after efponfals between them celebrated, in this behalfe craftily and subtilly to deceive and defraud, the aforefaid ten pounds, and the aforefaid goods and Chattels, or any parcell thereof, to the faid Richard in his life, on to the faid B. after the death of the faid Richard whilft free was fole, or to the faid Roger and B. after esponsalls between them celebrated, or to any of them bath not as yet payd or delivered, or any wife, them or any of them for the Came hitherto contented (although this to doe the faid E. by the faid Richard in his life, after the marriage aforefaid of them the faid Richard and B. had and folemnized, that is to fay (fuch a day and yeare) of R. aforefaid in the County aforefaid: And by the aforefaid R. and B. after esponsals between them celebrated, that is to fay (such a day and years and place) aforesaid in the County aforesaid was required) by which the lame Roger and B. the whole gaine, commodity, and profit, which they with the aforefaid ten pounds, and Goods and Chattels aforefaid by buying, felling, and lawfully bargaining, might have had and gained (if the faid E. his promise and affamption aforesaid to the said Richard in his life in forme aforesaid made to the same Roger and B. had performed) have wholly loft, in reparding of the execution of the Testament of the faid Richard aforefaid : And to the damage of the faid Roger and B. twenty pounds: And thereof they bring the Suit, &c. And they produce here in Court the Same Roger and B. the letters Testamentary, &c. by which. &c. And thereof to have administration, &c. Mich. 18. Jabut Mexical compainting made in at hill of cobi. home developed within the rings on the renderful

London f. George Whitmore Citizen and Alderman of London, complaineth of Richard Hunt Esq; in the custody of the Marshall,
oc. For that (that is to say) that whereas the twenty fourth Day of
A. (in Such a year) one VVilliam VV indover then Factor of him the
said G. and one Thomas VV hitmore now deceased, and then residing

in Steadin the parts beyond Sea, according to the cultome between antiqued, had delivered to the laid R. H. two and twenty pounds ten (hillings of current Hamberge mony in Stead aforefaid, of the value of one hundred fifty pounds feeling, of the proper monyes of the aforelaid G. and T. with that intention, that one VVilliam Tuewer then refiding in L. aforefaid thould pay to the faid G. and T. then in Lendon aforesaid, the aforesaid one hundred and fifty pounds fterling to double ufance (that is to fay) at the end of two donate from thence next following, and where as there is had, and from the time of the contrasy, whereof the memory of men is not extant, was had such a custom between English and Pornain Mer-chance, and their Englore and Servants, used and approved; that if any Merchant or Merchanes, or their Factors, being in the parts beyond Sea, should deliver to any other person, being in the parts beyond Sea, any Sum of monies, to be paid by any other person in the City of Londeninthe Kingdome of England, by bill of Exchange, thereof made. and directed to fuch perion, by which the fame Sum thould be paid at the double plance and fuch like Merchant to whom fuch Sum in the faid Bill of Exchange focified should be limited to be poid or any other at she requell of any Servans of fuch like Merchant or Merchants with in the time limited for the payment of fuch bill of Exchange Chould come to the usuall dwelling house of fuch perfor to whom the faid bill of Exchange thould be to directed, to thew fuch person combomither bill thould be to directed, the aforefaid Bill of Exchange, and so require the lame perfon to accept fuch Bill of Exchange, and if fuch perion to whom the Bill of Exchange aforefaid, thould be directed should not then be remaining at his aforesaid usuall dwelling House in the City of London, but ablent himfelf from the City of London aforelaid, not leaving there any person to accept the Bill of Exchange aforefaid, and thereupon that Bill fhould be protested according to the use of Merchants, then in such case, such person which should formake fuch Bill of Exchange from the whole time aforeland was chargeable and ought to be chargeable to fuch Merchant, to whom fuch Sum in fuch Bill of Exchange Specified, foodld be limited to be payd, to pay to fuch Merchant to whom the fame by bill of Exchange should be limited to be paid fugh Sum of mony in fuch Bill of Exchange Specified, if fuch person to whom such Bill of Exchange should be so directed, such Sum of monves in such Bill of Exchange specified to fuch Merchant to whom the same by such Bill of Exchange should be limited to be payd within the time in the same Bill of Exchange for payment thereof limited thould not pay: And whereas the aforefaid R. H. upon the receit of the two and twenty pounds ten Millings of Hamburghmony as aforefaid, the aforefaid (Such a Day and year) at Stead aforefaid in the parts beyond Sea for the confideration afore faid, according to the use of Merchanis, had delivered to the aforefaid W.W.

PV. VV. two Bills of Exchange, with the proper hand and name of him the faid R. H, subscribed, and to the faid VV. T. Merchant in L. directed, requiring and appointing the aforefuld W. T. by the first of the fame two Bills of Exchange, that fecond bill not being paid, to pay to the faid George W. H. and T. H.W.H. or the bearer of the aforefaid Bill one hundred and fifty pounds at double viance (that isto fay) of two months then next following, and requiring and appointing the aforefaid W. T. by the fecond Bill of Exchange of the fame two Bills of Exchange (the aforesaid first Bill of Exchange nor being payd) to the faid G. W. H. and Thomas Whitmore or to the Bearer of the Bill of Exchange aforefaid, one hundred and fifty pounds at double ufance. (that is to fay) at the end of two months, then next following the aforelaid R, after, to wit, the fame fourth Day of May, one thouland fix hundred and ten aforesaid, at L. aforesaid, in the Parish, de. in confideration of the premites, did affame upon himfelfe, and to the aforesaid G. W. and T. W. in the life of him the sayd T. W. did faithfully promife, that if the aforefaid Bills of Exchange, or either of them, for want of not acceptance thereof by the aforesaid W. T. should be protested, according to the use of Merchants, or if the aforesaid W. T. the aforesaid one hundred and fifty pounds to the aforefayd G. W. and T. W. should not pay in the end of two moneths. then he the favd R. H. the fame one hundred and fifty pounds to the aforefayd G. and T. W. would well and faithfully content and pay: And he the fayd G. in fact faith, That after and within the aforefaid time in the aforefaid Bills of Exchange for payment of the aforefaid one hundred and fifty pounds limited, to wit (fuch a day and year) one D. L. Norary publick, then resident in L. asoresaid, at the requelt of one R.D. Servant of the aforefaid G.W. came to the the nufuall dwelling house of the afore aid W. T. then scirvate in B. that is to fay, in the aforefaid Parith, &c. to thew to the aforefaid W. T. the aforefaid first Bill of Exchange of the aforefaid two Bills of Exchange. and to require him the faydW. T. to accept the faid Bil of Exchange, according to the use of Merchants, and that the aforesaid W. T. then was not refident at that house, but ablent in the Countrey from the City of L. aforefayd, not leaving any person there who might accept that Bill, upon which the aforefayd G. and T. after, and within the aforefayd two moneths, to wit, the aforefaid (fuch a day and year) according to the use of Merchants at L. aforesaid, in the Parish and Ward aforefaid, did Protest that Bill, for not acceptance thereof by the aforesaid W. T. And further he the sayd G. saith, That the aforefaid W. T. in the end of the aforefayd two moneths the aforefayd one hundred and fifty pounds to the aforefaid G. and T. W. or either of them he hath not payd, or in any manner for the same hitherto given content, yet the aforesaid R. little regarding his promise and affumbrion aforefaid, but plorting and fraudulently intending the aforefayd

faid Gund T. W in the life of him the faid T. FV. and the aforefaid G. after the aforefaid T, his Death, craftily and fubtilly to deceive and Defraud, the aforefaid one hundred and fifty pounds to the aforefaid G, and T. W. in the life of him the faid T. or to the aforefaid G. after the Death of the aforefaid T. or to either of them, he hath not as yet payd, nor in any manner hitherto for the fame hitherto given content, although he the faid R. to do it by the aforesaid G. afzerwards after the Death of the aforesaid T.W. to wit (Such a Day year and place) was required, by which he the faid G. W. the whole profit, gain, and Advantage, which he with the aforesaid one hundred and fifty pounds (if the aforefaid R. T. had well and faithfully performed his promife and affumption aforefaid) by buying Selling and lawfully Bargaining, might have had and Gained, hath now totally loft, and is deprived of, whereupon the faid G. faith, That he is damnified and hath Damage to the value of three hundred pounds. and thereupon he brings his Suit, &c.



Warranty of Deed.

warranty of Deed.

Elton was fummoned to answer H. Bright Clark, of a Plea that he should warrant to him three Messages, &c. with the Appartenances in C. which he holdeth, and claimeth to hold from him, and whereupon he hath his Deed, &. And whereupon the fayd H. by J. W. his Attorney faith, That whereas a certain Fine levied in the Court of the Keepers, &c. here, (that is to fay) at W. from the day of Saint-Hillary, in fifteen dayes (in such a yeare) before H. Hobart P. W. and H. VV. then Justices of the Common Bench here (that is to fay) at W. and other faithfull persons then being present, between him the fayd H. Plaintiff, and the aforesaid E. and one Johan then his Wife, and R. H. Deforceants of the aforefaid three Meffuages, &c. with the appurtenances, whereof the Plea of Covenant was summoned between them in the same Court (that is to lay) that the aforefaid E, and I, and R. did acknowledge the aforelayd Tenements with the Appurtenances, to be the right of him the layd I, as theirs, which the laid H, had of the gift of the aforelaid E. and I, and R. And the same remised and quiet claimed, and from them the favd E. and I. and R. and their Heires to the aforefaid H. and his Heires for ever: And moreover the fayd & granted for himfelfe and his Heires, that they would warrant the aforesaid H. and, his Heires, the aforesaid Tenements with the Appartenances, against all men or ever: By virtue of which Fine, the fayd H, was feized of the Tenements ments and Rent aforefayd with the Appurtenances, in his Demefne as of Fee, and he the fayd H. being lo thereof feized, one 1.D. arrayed against him the fayd H. a certain Assize of Novell Disseizin. of the Tenements and Rent aforefayd with the Appurtenances, before P. Warburton Knight, one of the Common Bench, and R. C. one, co. Justices assigned to take the Affizes in the County aforesaid. which fayd Affize depending, he the fayd H. often required the aforefaid E. that he would warrant to him the Tenements aforefaid with the Appurtenances, yet the faid E hitherto hath denied to warrant to the faid H. the Tenements and Rent aforefaid with the Appurtenances, and yet doth deny, whereupon he faith that he is deteriorated, &c. commence of estudied 5

A ND the aforelayd E. by 7. F. his Attorney, cometh and de- The Defendant fendeth the Force and Injury, when, &c. And faith, that he can- acknowledgeth not deny the aforesayd Action of the said H. neither but the writing the Action. aforefayd, is the Deed of him the fayd E. neither but he did give and grant by that Westing to the fayd H. and his Heires, the Tenements aforefad wien the Appurcenances, neither but he by that Writing is held to warrant to the fayd H. the Tenements aforesaid with the Appurtenances, in the forme in which the fayd H. above hath declared against him . Therefore it is confidered of, that the fayd E. may warrant to the fayd H, the Tenements aforefaid with the Appurtenances, for the place and time, and nothing of being in mercy of him the fayd H, because he came the first day by summons, &c.

Waste.

TIltf. J. Anthony Afbley Knight and Baronet, was fum- A Declaration moned to answer William Earle of Salisbury, of a Plea inwast brought wherefore, whereas by the common Counfell of the Realm against Tenant of our Lord the King of England; It is provided that it far yeares, Hil. shall not be lawfull to any to make waste, sale, or destruction, of Lands, 588. Houses, Woods, or Gardens, to him demised for Tearm of life or yeares, he the faid Anthony of Houses in Damerham, which he held for Tearm of yeares, by the Demise of the aforesayd Earle, hath made waste, sale, and destruction, to the disinheritance of him the said Earle, and against the form of the provision aforesayd: And whereupon the same Earle by Edward Hide his Accorney sayes. That whereas he himselfe was seized of one Messuage called Ballesborough Farm house, with the Appurtenances in Damerham aforesaid, in his Demesne as of Fee, and being so thereof seized (Such a day and yeare) at D, aforesaid, did demise the Messuage aforesayd with the Appurtenances (amongst other things) to the aforesaid Anthony, to have and to hold to him the faid Anthony and to his Assignes, from the Nn

Feelt of Saint Michaell the Arch-Angell then laft path, unto the and and Tearm of twelve yeares from abence next following, fully to be compleat and ended : By virtue of which Demile, the faid Anthom into that Meffuage with the Appurtenances did enter, and was there. of possessed, and so being thereof possessed, the same Anthony made walte, fale, and destruction, in the Messuage aforesaid with the Anpurtenances, of Houses, that is to fay, by shrowing down two Barnes either of them of the price of twenty pounds, parcell of the Melluage aforefaid above demifed, and two Houses called out-houses, each of them of the price of eighty shillings, in like manner parcell of the Mel. fuage aforefaid, above as aforefayd demised, And the Timber of the same Barnes and Houses so thrown down, taking, burning, and selling, to the difinhericance of him the said Earle, and against the form of the Provision aforelayd: Whereupon he faith, that he is damnified, and hath Damage to the value of a hundred and fifty pounds, and thereupon he brings his Action, &c.

ND the aforefaid Anthony by John Dawes his Attorney, comes and defends the Force and Injury when, Gre. And whatfoever, erc. And by protestation that the aforesaid two Barnes and outhouses, were not parcell of the Messuage aforesaid to him the faid Anthony, by the aforefaid Earle in form aforefaid demifed, by prorestation also, that the same Barnes and out-Houses were not of se much value asthe faid Earle by his declaration aforefaid, hath a bove supposed : For Plea be faith, that he hath made no waste, fale, or destruction, in the Messuage aforesaid, as the aforesaid Earle hath above against him declared: And of this he puts himselfe upon the Countrey, and the aforesaid Earle in like manner, therefore Command is given to the Sheriff, that he cance to come here in eight dayes, after the Parification of the bleffed Virgin Mary, twelve, Sec. By whom, Sec. and who neither; Sec. To Recognize, Sec. Because as well, on the first to and the break

Waste by the. Heire in Taile, for life.

d Declaration

mer all bounders

distinguished as tull so any to make wafte title. I E. was summoned to answer Rie Aland Tohis Wife, of a Plea where-J. fore by the common Counsell of the Realm of our Lord the King against Tenant of England, it is provided that it shall not be lawfull for any to make walte, fale, or destruction, of Lands, Houses, Woods, or Gardens, to him demised for tearm of life or yeares, the same ? of Lands, Houles, Woods, and Gardens, in C. which he held for his life, of the aforefaid R. A. by virtue of a Peofiment, which w. T. the Elder after the fourth day of February, in the twenty feventh yeare of the Raign of our Lord King Henry, the eighth, thereupon made to ?. H. and H. C. and their Heires, to the use of the aforesaid w. for Tearm of his life, and after his decease, to the use of the aforesayd 9.F. for Tearm of his life, and after the decease of him the faid I. F. to the

ale of the Heltes of the Body of E. late VVife of the fame 7. F. Mother of the aforefaid T. whose Heire the is ; have made walte, sale, and destruction, to the diffinheritance of him the faid T. and against the form of the Provinon aforefaid, &c. And whereupon they the faid R. and T. by I. C. their Attorney fay, That whereas the aforefaid P. was ferzed of one Barn, and twenty acres of Land called H, with the Appurtenances in C. aforefaid, in the County aforefaid, in his Demelneas of Fee, and fo being thereof feized, after the aforefaid fourth day of February, in the twenty feventh yeare of the Raign of our aforefaid Lord fate King Henry the eighth, to witt, the eighth day of fuly, in the yeare of our Lord one thousand five hundred seventy leven, of the fame Tenements with the Appurtenances, did Infeoff the aforefaid I. H. and H. C. to have and to hold to them the faid ?. H. and H. C. and their Heires for ever, to the ufe of the aforefaid W. P. for Tearm of his life, without impeachment of waste, and after his decease, to the use of the aforesaid f. F. for Tearm of his life, and after the decease of the faid ?. F. to the ale of the Heires of the Body of E. lately the VVife of the fame 7. F. Mother of the aforelaid T. begotten : And for default of fuch Iffue, to the use of the right Heires of the aforesaid w. for ever : By virtue of which said Feoffment, and by force of a certain Act in Parliament, of our aforelaid Lord, King Henry the eighth, at Westminster in the County of Middlesex, the aforefaid fourth day of February, in the Raign of the fame late King Henry the eighth, the twenty feventh aforelaid of transferring ules into Possession there held and published, the aforesaid VV. P. was soized of the Tenements aforefaid with the Appurtenances, in his Demeine as of Free-hold, for Tearm of life of him the faid W. without impeachment of waste: And the same w. being so thereof seized, the remainder thereof to the aforesaid I. F. for Tearm of his life the remainder thereof further as is above limitted, in form aforelaid belonging: The fame w. P. afterwards at C. aforelayd died of fuch his Effare feized, after whole Death the fame 1. F. in the Tenements aforefaid with the Appurtenances, as in his remainder aforefavd, did enter and was thereof feized in his Demeine as of Free-hold, for Tearm of life of him the fayd ?. F. the remainder thereof further to the aforesaid T. Heire of the Body of the aforesayd E, late Wife of the same I.F. Mother of her the said T. in form aforesaid belonging: And the aforefaid 1. F. of the Tenements aforefaid to being feized, and the aforesaid T. so of the remainder aforesaid being seized, the same T. after at C. aforesaid, took to Husband the aforesaid R. A. by which they the laid R. and T. in right of her the laid T. were feized of the remainder thereof, in their Demeine as of fee-taile, that is to fay, to her the faid T. and the Heires of her Body iffuing, and they the faid R. and T. fo being thereof feized, and the aforefaid I. F, of the Tenements aforefaid with the Appurtenances, in form afore-Nn 2

faid being feized, the same I. F. made wafte, fale, and deftreffice of the Lands. (that is to fay) in digging in the aforefaid twenty acres of Land called H. ten load of Gravell, the price of each load thereof fix pence, ten load of Clay, the price of each load thereof twelve pence, and ten load of Sand, the price of each load thereof twelve pence : and by taking and felling the fame Gravell, Clay and Sand: And also of the Houses (that is to say) by permitting the Barn aforefavd to stand and be uncovered, by which the great Timber of the favd Barn, of the price of twenty pounds, by tempeds of Rain discending upon them, became rotten and corrupt ; And the same Barn by reason of that corruption, was by Ruine demolished : And also of the Woods (that is to fay) by digging up by the roots ten Dakes, the price of each of them three shillings and foure pence, in the aforefayd twenty acres of Land with the Appurtenances called H. facely feverally growing, and by taking and felling the fame Trees. to the difinheritance of her the faid T, and against the form of the Provision aforelayd, whereby they say, they are damnified, and have Damage to the value of a hundred pounds, and thereupon they bring their Action, &c.

No Wafte committed.

A ND the aforefaid I. F. by T. L. his Attorny, comes and De-A fends the Force and injury, when, &c. and what soever, &c. and faves, that he made no Wast, Sale, or Destruction, of the Lands, Houses, and Woods aforesaid with the Appurtenances, as the aforesaid R and T. by their Writ & declaration aforefaid have above supposed and of this he puts himfelf upon the Country, and the aforefaid R, and T. in like manner, therefore command is given to the theriff that he cause to come here twelve, orc.

liz, Rot, 1315

Pasch. 19. E- A ND the aforesaid Defendant by 7. P. his Attorny, comes and defends the Force and injury, when, &c. And whatfoever, &c. And faith, that the Plaintiff ought not to have his Action aforefaid against him, because he faith, That at the time of the Demise aforefaid made, the Timber of the Houses aforesaid for want of Reparations, became to weak and rotten, that the fame Houses for the weaknesse and rorrennesse of the timber, could not be covered, and this he is ready to aver, whereupon he prayes Indement, whether the aforefaid Plaintiff, ought to have his Action aforefaid, against him. ere.

> A ND the aforefayd Plaintiff fayes, that he by any thing before al-I ledged, ought not to be debarred from having his Action aforefaid, because he saith, that at the time of the Demise aforesaid Made, the Houses aforesaid were sufficiently covered and repaired with strong Eimber, and afterwards by him the faid Defendant wasted, as the

fame

same Plantiff by his Writ and Declaration aforesaid, hath above supposed, and this he prays may be inquired of by the Country, and the aforesaid Defendant in like manner, therefore command is given to the fheriff, that he canfe to come twelve . &c.

Nd the aforesaid Defendant by I. P. his Attorny, comes and de- Pasch, 19, E-A fends the Force and Injury, when, &c. And whatfover, &c. and liz. Rot. 341. faith, that the Plaintiff ought not to have his Action aforesaid against The Defendant him, because he saith, by protestation, that he made no Waste, Sale, testation, no and Destruction of the Tenements aforesaid with the appurtenances, waste, for Plea as the aforesaid Plaintiff by his Writ and Declaration aforesaid, hath that the Plainabove supposed, for Plea he saith, That the aforesaid Plaintiff hath no- tiff bath nothing in reversion of the Tenements aforelaid with the appurtenances, version. nor had any thing in the same Reversion at the Day of the issuing forth of the originall Writ of him the faid Plaintiff (Such a Day and year) nor at any time after, and this he is ready to aver, whereupon he praves Judgment, whether the aforefayd Plaintiff ought to have his Action aforefayd against him, &c.

ND the aforesaid Plaintiff sayes, that he by any thing before al-A leadged, ought not to be debarred from having his Action aforelayd, because he saith, that the aforesaid Day of the issuing forth of the originall Writ aforelaid, of him the faid Plaintiff, the reversion of the Tenements aforesaid with the apputtenances to him the faid Plaintiff did belong, and as yet do belong, and this he prayes may be inquired of by the Country, and the aforefaid Defendant in like manper therefore Command is given to the theriff, that he cause to come here twelve oc.

W. and I. his wife, were summoned to answer I. T. of a Plea, waste against wherefore they have made Wast, Sale, and Destruction, of Tenant in Lands, Houses, Woods, and Gardens, which they hold in Dow. Dower. ry of her the faid J. of the inheritance of the aforefaid J. T. in S. to the Difinheritance of him the faid I. T. o. And whereupon the faid I. T. by 9. P. his Attorny fayes, That whereas the aforelaid C. and 7. hold one Messuage, &c. with the appurtenances in S. aforesaid, as the Dowry of her the faid ?. of the endowment of one A. T. in times past her Husband, of the Inheritance of him the faid I. T. they the faid C. and 7. have made Wast, Sale, and Destruction, that is to fay, By filling up with Earth, one Ditch containing one hundred Perches, each perch of the price of twelve pence, compassing about a certain Close of Pasture called H. lying in a certain Place called F. parcell of the Tenements aforefaid in Dowry as aforefaid held, of the Houses also (that is tolay) by permitting one Hall of the price, de. (as before in others) and also by pulling up, burning and Sellingthirit. Not it is

Yes Defenden pleads it in

est receipting

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to boards fixed in the stable aforefaid, of the price. de: throwing down two Walls of the Hall aforelaid, of the price, Ge. By which the same Hall, stable, Kitchin, and Cow-House became Destroyed by ruine, and the faid Barn remaines now cast down to the Ground, of the woods, (that is to fay) by cutting and pulling up by the roots, a hundred Perches of quick Hedges, the aforefaid Close of Pasture called C. including, the price of each perch, twelve pence, of the Gardens allo, (that is to fay) by cutting down in one Garden parcell of the Tenements aforefayd in Dowry as aforefaid held two Apple trees the price of them, &c. to the Dilinheritance of him the faid ?. T. whereupon be faith that he is damnified, and hath Damage to the value of fixty pounds, and thereupon he brings his A. ction, orc.

pleads to part of the Waste specially, and to the rest not guilty.

The Defendant A ND the aforesaid C. and f. by F. G. bis Attorny, comes and defends the Force and injury, when, &c. And as to the first VVafte, in filling up with Earth, the aforelayd Ditch containing a hundred Perches compassing about the aforesaid Close of Pasture called C. above supposed to be done, they the sayd C. and J. say, that the aforesaid T. ought not thereupon to have his Action aforesayd against them, because they say, that the Ditch aforesayd at the time of the Death of the aforefayd A. T. in times past her Husband, for want of Scowring and Clenfing of the same ditch, was filled ful of earth, and this they are ready to aver, whereupon they pray Judgment, &c.

> And as to the aforesaid wast, in permitting the aforesaid Hall Kitchin, Barn, Stable, and Oxe-room, to stand and be uncovered, above supposed to be done, they the same C. and 7, say, that the aforefaid T. ought not thereupon to have his Action aforesaid against them, because they say, that at the time of the Death of the aforesayd A.T. the hall, kitchin, stable, and cow - house aforesayd, for want of covering were ruinous and out of repair, and the Timber of the Barn aforelayd, for want of reparations, was fo weak and rotten, that the same Barn for the insufficiency of the Timber aforesaid, for want of covering, within fix Months after the Death of the aforesaid A. fell down, and now lies proftrate to the Earth, and this likewise he is ready to aver, whereupon they pray Judgment, &c. and as to the aforelaid wast in pulling down the walls of the Hall aforesaid, and plucking up, burning, and felling the aforesaid Boards, fixed in the stable aforesaid, and cutting down, and felling in the aforesaid Close of Pasture called C. the aforefaid two Ashes, and cutting down and plucking up the aforefayd hundred perches of quick hedges compassing the aforefaid Close of pasture called C. as also the cutting down in the aforesaid Garden, the aforesaid two apple trees above supposed to be done, they the fayd C. and 7. fay that they thereof made no wast, sale, or destruction, as the aforesaid T, by his V Vrit and Declaration aforesaid hath above

shove supposed, and of this they put themselves upon the Country. and the aforelayd T. in like manner, therefore command is given to the theriff that he caufe to come here twelve. coc.

ND the aforesaid T. as to the aforesaid first Plea of them the The Plaintiff faid (and I. to the aforefaid wast, in filling up with Earth the replies, and aforefaid Ditch, compassing the aforesaid close of pasture called traversed C. above in Bar pleaded, fayes, that he by any thing in the same plea what the Debefore aleadged, ought not to be debarred from having his Action pleaded pecialaforesaid for the wast therein made, because he sayes, that the said C. into. and ?. have made wast and Destruction, in filling up with Earth the fame Ditch, incompassing the aforesaid Close of Pasture called C. as he before hath alleadged, without that, that the Ditch afore- A Traverse. faid at the time of the Death of the aforesaid A. for want of clensing and scowring of the same ditch, was filled up with Earth, as the aforesaid C. and 7. have above alleadged, and this he is ready to aver, whereup. on for that, the aforesaid Defendants, the wast aforesaid thereupon done have above acknowledged, the same T. prayes Judgment and Damages by reason of the same wast to be adjudged unto him, &c. And as to the aforesaid second Plea of the aforesaid Defendants unto the aforfaid wast in permitting the aforesaid hall kitchin stable, & cowhouse to stand & be uncovered above in like manner pleaded in Bar, the aforesaid T: sayes, that he by any thing, coc: (as before) because he faith, that the aforesaid C: 7: made wast and Destruction in permitring the hal, &c. to fland and be uncovered, by which the great timber of the same houses by tempests of raine discending on them, became rocten and corrupt, by which the Hall. &c. were by ruine destroyed. and the same Barne remaines prostrate to the earth, as he hath above alleadged: Without that, that at the time of the death of the afore. A Traverfe. faid . the Hall, Kitchin, Barne, Stable, and Cowhouse aforesaid, for want of covering were ruinous and decayed, and the Timber of the Barne for want of reparation was become so weake and rotten, that the faid Barne for the weakness of the timber aforfaid, and for want of covering, fell, and yet lyes prostrate to the earth, as the aforesaid C. and I have above alleadged : And this, &c. Whereupon for that the aforesaid C. and I. the waste aforesaid thereupon done, have above acknowledged, the same T. prayes Judgement (as before, &c.)

ND the aforelaid C. and I. as to the aforesaid first Plea of the Issues taken by A aforelaid Plaintiff unto the aforelaid VVaste in filling up with the Defendant earth the a oresaid Dirch compassing about the aforesaid Close of Fa- upon the second flure, called (: above by replication pleaded, as formerly fay, That Traverse. the Ditch aforesaid, at the time of the death of the aforesaid : for want of scouring and cleansing of the same Ditch, was filled up with earth, as they above have alleadged; and of this they put themselves

upon the Countrey, and the aforesaid Plaintiffs in like manner: And of this the aforesaid second Plea in permitting the aforesaid Hall, Kitchin, Barne, Stable, and Cowhouse, to stand and be uncovered, above by Replication pleaded; the same C; and I: as formerly say, That at the time of the death of the aforesaid A: the same Hall, &c. for want of covering were ruinous and out of repaire, and the Timber of the Barne for want of reparations, became so weak and rotten that the same Barne or the weaknesse of the Timber aforesaid, and for want of covering fell downe, and remaines prostrate to the earth, as they above have alleadged: And of this in like manner they put themselves upon the Countrey; and the aforesaid T: in like manner: Therefore to try as well the Issue sirst joyned, as &c. Command is given to the Sheriff that he cause to come here twelve, &c.

R. st.

Waste again?

Tenant for
years brought
by the Purchafor of the Reversion.

P. lately of P. &c. and VV. S. lately of &cc. Were summoned to answer Anthony Anchor Knight, of a Plea, wherefore by the Common Conncell of the Realme of England : It is provided that it hall not be lawfull for any one to make waste, sale, or destruction, of any lands, houses, woods, and gardens, to him let at terme of life or years: They the fand VV . and VV : of lands, houses, woods, and gardens in B: which they hold for terme of yeares of the aforesaid A: of the assignment which T: Culpeper Efq; who the same to the aforesaid VV: and VV: for the same terme did demise, they made waste, sale, and destruction to the, disherizon of him the faid A: And against the forme of the provision aforesaid. &c: And whereupon he the said A: by H: L: his Attorney layes, that whereas the aforelaid T: C: was lately leized in his Demesne as of Fee of andin one Messuage called Langham Parke with the appurtenances, in B: aforesaid; and being so thereof seized, the third day of January in the thirty eight years of King Henry the eighth, at B: aforesaid, demised to the aforesaid W: and W: the same Tenements with the appurtenances to hold to them, their Executors and Affigues, from the Feast of the Annunciation, &cc : then next following, unto the end and terme of one and twenty yeares then next following, and fully to be compleat and ended: By vertue of which Demise the aforesaid VV: and VV: were thereof possessed: And they the sayd W: and W: being so thereof possessed; And the aforesaid T. C: of the same Tenements with the appartenances being so feised in his Demesne as of Fee, he the said T: afterwards, to wit (such a day, years, and place) gave, granted, and assigned, the Reversion of the Tenements aforesaid, with the appurtenances to him the faid A. to hold to him and his beires for ever: By vertue of which said gift, grant, and assignement, the aforesaid W. and W. bim elfe to him the faid A. at B. afore and did attorne, by vertue of Which said gift, grant, assignement, and attornement, he the said A. was of he Reversion of the Tenements aforefaid with the appurtenances, seized in his Demesne as of Fee, and so being thereof seized, the aforesaid W.

indW: made waste, fale, and destruction, in the Tenements aforefaid with the appurtenances, in the houses, that is to say, in permitting one A stignment of Hall of the price of twenty pounds, three Chambers of the price of either promissive of them ten pounds, one Kitchin of the price of twenty pounds, and one Waste. Barne of the price of twenty pounds, to Stand and be uncovered, by which the great Timber thereof for want of covering, by tempestuous raines beating upon them, became rotten and corrupt, and the whole house by reason af that corruption, by ruine was destroyed; in woods also by cutting downe, felling, and burning, three Beeches, the price of each of them ax billings and eight pence, and a bundred Beeches the price of each of them four pence, in the Park aforefaid severally growing, by permitting also the roots of three thousand Oaks, one thousand Elmes, and five thoufand Beeches, by the aforefaid W. and W. in two hundred Acres of wood by the whole Content of the same wood severally lately growing, after cutting downe, to ftand unfenced, fo that for want of Inclosure the Cattell feeeding thereby did so neer bite up and consume the small branches and foronts growing out of the fard roots, that by the aforefaid neere byting and cropping, each of the aforefaid roots of the Oaks, Elmes, and Beeches, and the sprouts growing out of the said roots; to the value of a penny each, did wholly wither and grow dead; in the Gardens also in putting eight Perches of Pales to the value of twenty shillings, inclosing about one Garden, parcell of the Tenements aforesaid to fall downe, to the disinherison of him the sayd A. and against the forme of the provision afore faid: VV hereupon he faith that he is damnified, and hath damage to the value of one bundred pounds: And thereupon hee brings bis Suit. &c.

A ND the aforesaid W.P. by R.P. his Attorney, and the aforesaid No wast made A W. S. by J.F. his Attorney comes and defends the force and injury, for plea, and when, &c. and as to the whole waste afore aid, in the lands, houses, woods, to the rest the and gardens, above supposed to be done, besides the cutting downe, sale, pleads that beand destruction of the aforesaid hundred and three Beeches, Say, That fore the Grant they thereupon have made no waste, sale, or destruction, as the aforesaid of the Rever-A. above against them complaineth; and of this they put themselves up- sion he bought on the Countrey, and the aforesaid A in like manner: And as to the a- the Trees of foresaid maste, in cutting downe, sale, and destruction of the aforesayd the Grantor. hundred and three Beeches, above supposed to be done, they the sayd W and Wasfay, that the aferefaid A ought not thereupon to have his Action aforesaid against them, because they say, that before the said gift, grant. and affiguement of the Reversion of the Tenements aforefaid to the aforefaid A. by the aforesaid T. in forme aforesaid made, to wit (such a day and yeare) he the faid T. at B: aforefaid, for a certaine sum of money to him the faid T: by them the faid W : and W : before hand payd, fold to them the faid W: and W: the aforefaid bundred and three Beeches, among & other Trees in the Parke aforefuld lately growing: By vertue

of which said sale, they the said W: and W: the aforesaid hundred and three Beeches did out downe, sell, and burne, m it was lawfull for them to doe, and this they are ready to averr, whereupon they pray judgement, whether the sayd A: ought to have his Action aforesaid against them, &c:

The Plaintiff replies. no sale made by the Grantor.
Two Issues joyned, and a verdies, and judgment for trebole damages.

ND the aforesaid A, sayes, That he by any thing before alleadeed from having his Action aforefaid for the aforefaid wafte for cutting down fale, and destruction, of the aforefaid hundred and three Berches above supposed to be done, ought not to be debarred, because he faith. That the aforefaid T. C. before the aforefaid Gift, Grant, and Assignment, of the Reversion of the Tenements aforesaid, by him the fayd A. to the aforesaid T. in form aforesaid made, did not sell the aforesaid W. and W. the aforesayd hundred and three Beeches, nor any of them, as the aforefaid W. and W. have above alledged: And this he prayes, may be inquired of by the Countrey, and the aforesaid w, and w, in like manner: Therefore as to trying as well this iffue. as the aforesaid other Issue formerly joined, Command is given to the Sheriff, that he cause to come here on the Morrow after the hole Trinity, twelve, &c. By whom, &c. and who neither, &c. to Recognize, &c. because as well, &c. At which day here came the Parties &c. and the Sheriff fent not the Writ, &c. Therefore as formerly. Command is given to the Sheriff that he cause to come here in eight dayes after the holy Trinity twelve, &c. To recognize, &c, in form aforesaid, &c. At which day the Jury between the parties aforesaid of the aforelaid Plea, was put thereupon between them into respite here unto this day, to witt, from the day of Saint Michaell, on fifteen dayes then next following, unlesse the Justices of our Lady the Queen, at the Affizes in the County aforefaid, affigned to be taken by the form of the Statute, &c. on Friday (Such a day laft paft) at Rochester in the County aforesaid, should first come: And now here at this day came the aforesaid A by his Attorney aforesaid and the aforesaid Justices of Assizes, before whom, of tenthere their Record in these words: Afterwards the day and yeare within contained, before David Brooke Knight, and Thomas Gandy Serjeant at Law, Justices of our Lord the King, at the Affizes in the County of Kent, assigned to be taken by the form of the Statute, etc. Came as well the within named Anthony Anchor, as the within written VVilliam S. by their Attorneys within contained, and the within writeten VV. P. being folemaly required came not but made default Therefore the Jury whereof within is made mention, is to be taken against him by default, whereupon the Jurors of the Jury impannelled, being required, some of them (that is to fay) R. B. J. L. R. VV. R. H. C. R. R. R. VV. C: and H. R. came and were sworn up on that Jury, but the relidue of the Jurors, the aforefayd Jury now appearing

appearing (chat is to lay) K. C. I.VV. 1. A.S. H. I. N. and T. La because that they between the parties aforesaid are found to be fulpitious, from that pannell are wholy withdrawn, as it appeares in the fame pannell : And because the residue of the Jurors of the aforefaid Jury appeared not, therefore others of the Standers by the Sheriff. chosen at the request of the aforesaid I. and by the command of the aforefaid Juftices, are put on of new, whose names to the pannell aforefaid are filed, according to the form of the Statute in the like cafe published and provided for, and some of the Jurors so of new pur on. (chat is to fay) G. R: and R. A. and others; who to the truth of the within contained, together with other the aforefaid Jurors, being first Impannelled and sworn, being chosen, tryed, and sworn, fay upon their Oath, that the aforefaid VV. and VV. made wafte, fale, and de- The Verdict in fraction, in the Tenements within written (that is to fay) to permitting one hall, of the price of fix shillings and eight pence, three Chambers, the price of either of them two shillings and two pence; one Kitchin, the price of fix Shillings and eight pence, and one Barn, the price of thritden Shillings and foure pence, to fland and be uncoverd by which the main Timber thereof for want of covering by tempestuous Raines discending upon them, became rotten and corrupt, and that House by reason of that corruption ruinously demolished : In the Woods also (that is to say) by permitting the roots of a thousand Oakes, foure hundred Elmes, and fix hundred Beeches, in the within written two hundred acres of Wood, feverally lately growing, by the aforefaid VV. and VV. cut down to fland unfenced, fo that for want of inclosure of the same, the living Beafts, the sprigs growing out of the faid roots did crop off, and by feeding confume fo neer those Roots, that by the croping and like feeding, each of the roots of the aforesaid Roots, and the Sprouts growing out of those Roots, to the value of halfe a farthing did wholy wither and dye, as the aforefaid Anthony Anchor against the aforesaid VV. and VV. have within declared: And as to the fale within specified, of a hundred and three Beeches within by the within named VV. and VV. to them.by the within named Thomas Culpeper supposed to be done: The Jurors aforefaid fav. that the fame T. C. before the within written Gift, Grant, and Affignment of the reversion, of the Tenements within specified. to the aforesaid A. by the aforesayd T. C. in form within written made, to witt, (Such a day and yeare within written) fold not to them the faid VV. and VV. the hundred and three Beeches within written, nor any of them, as they the fayd VP: and VV. have within alleadged : And therefore the Jury aforelayd fay, That the aforefavd w. and w. have made waste, sale, and destruction, in the aforefavd hundred and three Beeches (that is to fay) by cutting and felling the fame hundred and three Beeches, the price of each of them one penny, and one fourth part, in the Park within written, feverally 0 0 2

Judgement in Waste.

Mercy.

rally growing in manner and form as the aforefaid A. A. within hath declared, to the difinheriting of him the faid . and against the form of the Provision within written : And further the Jury aforefaid fay, That the aforefaid W. and W. have made no other wafte, fale or destruction, to the aforesaid A. A. of the Tenements within written : Therefore it is confidered that the aforefaid . do recover his feizing against the aforesaid W. and VV. of the aforesaid places wasted; and his Damages by reason of that waste in the same by the Turors aforefaid, in form aforefayd found to the Trebble, according to the form of the Statute, &c. which faid trebble damages in the whole do amount unto ten pounds three shillings and ten pence: And the aforesaid W. and VV in mercy, &c. And likewise the aforefaid A. A. in mercy, for his falle 'claim of the relidue of the walte aforefayd, whereof the aforefayd w. and VV. by the Jurors aforefaid, above stand acquitted and they the faid VV. and VV. to be thereof quit: &c. And upon this the aforefaid A. A. prayes a Writ of our Lord the King, to make him have feizim of the places aforelaid wasted, to the Sheriff of the County aforelaid to be directed: And it is granted him, returnable here, do. 30.19 and

Waste after a Fine levyed, Trin. 8 Eliz. Rot. 916.

verd, by welch the 'n a a known ver brev T. Ar. f. F. Moore widow R. G. and C. his wife were fun-V moned to answer E. Littleton Gentleman of a Plea, wherefore by the Common Councell of the Realm of our Lady the Queen of England, it is provided, that it shall not be lawfull for any to make Waft, Sale or Destruction of Lands, Houses Woods wor Gardens to them let for Tearm of life or years, they the faid E.R. and C. of houses & woods in S. which they hold for the life of A. B. of the demile of S.B. and the aforefayd A. his Wife, by Fine thereupon in the Count of our Lady the Queen that now is before James Dyer Knight, and his Fellows, Justices of our faid Lady the Queen of her Bench by the Writ of our faid Lady the Queen, between one w. M. now dead, and the aforelayd F. R. and C. and them the faid F. and A. levied of the aforelayd E. Littleton, of the affignment, which John Littleton Clark, Brother and Heir of T. Littleton, who demised the same to the aforefaid A. for the same Term thereupon made, to him the faid Er they made Wast, Sale, and Destruction to the difinheritance of him, the faid E. and against the Form of the provision aforesaid, &c. And where upon the faid E. by T. N. his Attorny, faves that whereas the aforesaid T. L. was seized of the Mannor of S. with the Appurtenances in the County aforefaid, and of twelve Meffuages, five Cottages, five hundred acres of Land, one hundred acres of Meadow, forty acres of pafture, &c. with the appurtenances in S. aforefayd, in his Demelne as of Fee, and so being thereof Seized, he the faid T. L. (Such a Day and year) of the sameMannor and Tenements with the appurtenances, amongstother things, did infeoff f. Dingley and R. Sheldon Efg. E. Draycote, Richard Nemport, the eider, VV. C. Anthony Littleton, T. Dingley

Dingley and Richard Sheldon Gentleman, to hold to them and their Heirs for ever, to the use and behoost of him the said F. L. and the aforelayd A, his then Wife; and the Heirs of the Body of him the faid T. L. lawfully begotten, and for default of fuch iffue to the nie and behoof of the right Heirs of him the faid T. L. forever, by virtue of which faid Feoffment, the aforefaid 7, D. R. S. and the other Feoffees were feized of the Mannorand Tenements aforefaid with the appurtenances, amongst other things, in their Demeine as of Fee, unto theule of the aforelaid T. L. and A. and the Heirs of the Body of him the faid T. lawfully begotten, and for Default of such issue, to the use and behoof of the right heires of him the faid T, L. for ever, unto the fourth Day of February in the twenty seventh year of the raign of King Henry the eighth, on which day by vertue of a certain Act of Parliament of the same late Kat VVestminfter in the County of Middlefex, the fame fourth Day of Bebruary of transferring uses into possession held and published, the aforefayd Ta de and Adwere feized of the fame Mannor and Tenements with the appurtenances, amongst other things, (that is to fay) he the faid T. Littleton in his Demefne as of Fee tayl, (that is to fay) to him and the Heirs males of his Body lawfully begotten, and the fame inher Demefne ac of Free-hold, the Remainder thereof for Default of fuch Iffue to the right Heirs of the aforefaid T. L. for ever belonging, and they the faid T. L. and A. fo being thereof feized, he the faid T. afterwards at & in the County of W. of such his Effate died thereof seized without any Heir of his Body lawfully begotten, and the aforefaid A. him the faid T. L. farvived and beld her felf in the Minner and Tenements aforesaid with the appurtenances, and was thereof fole feized in her Demesne as of Free hold by right accruing, et after whose faid T. L. his Death, the Reversion of the Manhor and Tenements aforelaid with the appurtenances; (after the Death of the aforelaid A. to be had not that, the aforesaid A. Littleton died without any Heir of his Body lawfully begotten) did difcend to the aforefaid I. Littleton, as to the Brother and Heir of the aforefaid Ton Littleton, by which he the faid T. L. was feized of the fame Reversion of the Mannor and Tenements aforelayd with the appurtenances, as of his Fee and right, and he the faid I. L. fo being thereoffeixed, and the aforefayd A, of the Mannor and Tenements aforefaid with the appurtenances in Form aforefaid being feized, the fame A afterwards at St in the County aforefaid took to Husband the aforefaid F. Bulfred by which they the faid F. and A. were feized of the Mannor and Tlemements aforefaid with the appurtenances in their Demeine as of Free-hold in right of her the faid A and they the faid F. and A. fo being thereof feized and the aforefaid I. L of the Reversion of the same Mannor and Tenements with the apportenances in form aforefaid being feized, he the faid I. L. afterwards, to wit, (Such a Day wear, and place) by his certain Deed which ke the faid I. with the seale of the aforesaid T. L. CULTIO figned

Gened, here brings into Court, whose date is the same Day and year did give and gram the reversion of the mannor & tenemente africation with the appurcesances to him the faid E.L. to have and to hold to him and his Heirs for ever, and after, to wit, the 4. Day of 7. (Such a year) the aforefaid F. B. at B. in the County of W. did attorn himfelf to him the faid E. Littleton, of the reversion of the Mannor and Tenements aforefaid with the appartenances, by wirtue of the gift and grant afore. Gid to him the faid & in Borm aforefaid made, by vintue of which faid Gift, Grant, and attornment aforefaid, he the faid B. was foized of the fame reversion of the Mannor and Tenements aforefaid with the anpartenances, as of his fee and right, and he the faid Edward fo being thereof feized and the aforefald F. and A. of the Mannor and Tene menes aforefaid wieb she Appurtenances in Form aforefaid being feized the aforefaid Fine was levied in the Court of our faid Lady the Queen that now is . to wit, at Westminster, in eight Days of Saint Michael in the fecond year of her Raign, before James Dyen, Humphry Brown Anthony Brown, and Richard Woften, then Justices of her the faid Lade the Queen that now is, of her Bench here, and other faithfull Subjects of her the faid Queen then there prefent, between the forelaid w. M. now dead, and Francis Robert, Gower, and Cecilie Complainadte; and the aforefaid Francis Bulltrade and A. Deforceants of the Mannor and Tenements aforelaid with the Appartenances, amongst other things by the names of the Mannor of S. A. with the appurtenances; and twenty Melluages, ten Cottages, a thouland acres of Land, ov. in the id County of w. whereof a plea of Covenant was fummoned between them in the fante Court, to wit, that the aforefaid F. and A. did grant to the aforefaid W. Mi now dead, Francis, Robert, Goner, and Cecilie the Mannor and Tenements aforefaid with the Appurenances to have and to hold to them the faid PV. F. R. and C. during the whole life of her the faid A. by virtue of which faid Fine, they the faid VV. CM, F. and R. G. and C. were feized of the Mannor and Tenements aforelave with the Appurtenances, in their Demeine as of Freehold, that is to fay, for the Term of the life of the aforefaid A. And they the faid VV. R. and F. R. and C. fo being thereof feized and the Same E. of the aforesaid Reversion of the Mannor and Tenements aforesaid with the Appurcenances in Form aforesaid, being seized, they the said W. M. F. R. W. and C. after that Fine in Form aforesaid, levied of the Mannor and Tenements aforefaid with the appurtenances, made wast and Destruction of the houses, that is to say, permitting one manfion house, containing three bayes, the price of each bay thirty shillings in the Tenuce of M. R. widow, one other manfion house containing fix Bayes, price of Each bay forty shillings in the Tenure of G. H. parcell of the mannor and Tenements aforefaid with the appurtenances, to stand and be uncovered, whereby the great Timber of those Houles by tempeltuous rains, discending upon them, became rotten and corrupt

corrupt, and those houses by reason of that corruption by ruine fell down, by permitting also filth and Earth to lye upon three Groundfills of certain Barns in like mannet; parcell of the tenements aforefaid, by which those Ground-fills, the price of each, five shillings, became rotten and corrupt; in the Woods alfo, that is to fay , by cutting down in a certain Close of Land called S. ten Oakes, the price of each of them four fhillings, in a certain other close called H. eight Aftes, price of each of them three Chillings, in a certain other close of Land called M. In like manner parcell of the Tenements aforefaid with the appurtenances. nine Elmes the price of every of them four fhillings, in the fame closes of land lately feverally growing, by cutting down also, and felling in another close of Land in the tenure of A. We in like manner, parcell of the Tenements aforefaid, three Elms, the price of each of them four shillings, to the difinheriting of him the faid E. and against the Form of the provision aforefaid, whereupon he faith, that he is damnified, and hath damage to the value of two hundred pounds, and thereupon he brings his fuit, co. in policiana birnerole en la melha ya

elaid with the Aponic entinces did enter and, was their of ten Evon. If. 7. H. was fummoned to answer T. S. of a Plea where- waste by the fore when as by the common Counfell of the Realm of England, Grantee of a it is provided that it shall not be lawfull for any to make waste, sale, Reversion aor destruction, of any Lands, Houses, Woods, or Gardens, to them gainst one who demised for Tearm of life or yeares, he the faid I. of Houses, Woods, the Lands by and Gardens in S, which he holds for Tearm of yeares, of the Demile devile. of VV. R. of the aforefaid T: of the Affignment which N.R. who de- Eafter Terme miled the same to the aforesaid VV: for the same Tearm thereupon in the eighmade to D' S: Father of the aforesaid T: S: whose Heire he is, made of the Queen, wafte, fale, and destruction, to the difinheriting of him the faid T: Rot. 1080, and against the form of the Provision aforesaid. And whereupon he the faid T: by I: B: his Attorney fayes. That whereas the aforefaid N: R: was feized of two Meffuages, two acres of Land, thirty acres of Pufture, and one acre of Wood, with the Appurtenances in S: aforefaid, in his Demefne as of Fee . And to being thereof feized (Such a day, years, and place) did demise to the aforesaid VV. R: the Tenements aforefaid with the Appurtenances, to have and to occupy to him and his Affignes, from the Feaft of Saint Michaell the Arch-Angell then next to come, to the end and Tearm of fixty yeares thence next following, and fully to be compleated. By virtue of which Demife, the aforefaid VV: Ro was of the Tenements aforefaid with the Apputerances possessed, and he the fayd VV: so being thereof possessed, and the aforesayd N: R; of the reversion, of the same Tenements with the Appurtenances in form aforesaid being seized, he the hyd N: (Such a day yeare and place) by his certain Writing, which he the faid T: S: with the Seale of the aforefaid figned, here in Court produces, whose Date is the same day and yeare, granted the reversion,

of the Tenements aforefayd with the Appurtenances, to the aforefair 7) S. to hold to him his Heires and Affignes forever, to which faid Grant of the Revertion aforelaid, the aforelaid W. R. after to with Such a day yeare and place aforefaid) did attorn himselfe tothe feid D. S. By virtue of which faid Grant and Arcornment, the aforefaid D. was feizediof the reversion afforefaid, in his Demelne as of Fee and Right, and he the faid D. fo being thereof feized, and the aforelaid W. R. ofishe Tenements aforelayd with the Appurtenances, in form aforelayd being possessed, he the said W. (Such a day yeare and place) made his Teltament, and by that his Teltament gave and beggeathed to the aforefaid h To and to one With then his Wife his whole Scare Inverell, and Tearn of yeares, which he then had to come of and in the Tenements aforefaid with the Appurcenances, and made and ordained one A.B. Executor of his Testament aforefaid, and after there died of the fame Tenements with the Appurtenances in form aforefaid polleffed, afrec whole Death, the aforefaid & H. and A. by confent of the aforefaid Executor, into the Tenements aforelaid with the Appurtenances did enter, and was thereof possessed. by virtue of the Devile aforelaid . And they the faid I, and A to being thereof possessed, the aforesaid A at S aforesaid died, and the aforefaid 7. H. her survived, and held himselfe in the same Tenements with the Appurtenances, and was thereof fole polleffed by Right accruing, &c. And he the faid I. H. fo beingthereof poffeffed and the aforefaid D. S. of the reversion, of the fame Tenements with the Appurtenances, in form aforefaid being feized, he the fayd D. at S. aforefaid died of such his Estate thereof feized, after whose death, the Reversion aforesaid discended to him the said T. S. as tothe Son and Heire of him the favd D. S. by which the faid T. was feized of the Reversion aforesaid, in his Demesse as of Fee and Right and he the fayd T. fo being therof feized, and the aforefaid 7. H. of the Tenements aforefaid with the Appurtenances, in form aforefaid being poffesfed; he the favd I. H. made waste, sale, and destruction in the Tenements aforefaid, in the Houses (that is to say) permitting one hall, of the price of fifteen pounds, one Barn of the price of eight pounds, one Stable of the price of feven pounds, one Cow-houle of the price, &c. Parcell of the Tenements aforefaid with the Appunenances, to stand and be uncovered, by which the great Timber of the fame Houses, by tempestuous Raines discending upon them, became rotten and corrupt, and the House by reason of that corruption was ruinously demolished, and the Stone Walls of the same House were corrupt: Of the Woods also (that is to say) Cutting down and felling in one Close of Pasture called D. in like manner, parcell of the Tenements aforesaid; four Oakes, the price of each of them he shillings, of the Gardens also (that is to say). In cutting down and burning in one Garden parcell of the Tenements aforefaid, twenty Apple-Trees Rople-Trees, the price of each of them three shillings, in the same Garden lately there severally growing, to the disinhesitance of him the sayd T. S. and against the form of the Provision aforesaid: Whereupon he sayes that he is damnified, and hath Damage to the value of a hundred pounds; and thereupon he brings his Suit, &c.

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Justification for taking a Distresse for the certainties of his County, payable at the Sheriffs Turn.

Vfex f. And the aforelaid T. E. by 7. P. his Attorney, cometh and defendeth the Force and Injury when, &c. And as to the coming with Force and Armes, or any thing that is against the peace of the now Lord the King, the same T. saith, that he is not thereof guilty: And of this, &c. and the faid A. likewife: And as to the residue of the Trespasse aforesaid, the same T. faith, That the place in which it is supposed the Trespasse aforesaid to be done, is twenty Acres of Land with the Appurtenances in S. aforefaid: And the same T. faith, That the now Lord the King is, and all his Progenitors Kings of England, were seized of a certain Sheriffs Turn at Buxball in the County of S. aforesaid, once within a Month after the Feast of Easter, and once within a Month after the Feast of Saint Michaell the Arch-Angell, yearely before the Sheriff of the same County for the time being to be held; and also of a certain yearely Rent of twenty fix hillings and eight pence, &c. called Sheryrezzeld, to the same Lord the King and all his Progenitors aforelaid, yearely by the whole time aforefield, by the aforesaid then Abbor, and all his Predecessors Abbots of Hide aforesaid for the time being at B. aforefaid, (to witt) at the Sheriffs Turn held there, before the Sheriff of the County aforefaid, for the time being within one Mouth next after the aforesaid Feast of Easter, thirteen shillings and foure pence, and at the Sheriffs turn holden there, before the Sheriff of the fame County, for the time being, within one Month next after the aforefaid Feast of Saint Michaell the Arch- Angell, thirteen thillings and foure pence: Which faid Rent so to be paid, one W. D. late Sheriff of the County aforesaid, and all his predecessors, Sheriffs of the lame Councy, for the time being, from the whole time aforefald were used there at the same Turn, twice held by the yeare, in form aforefaid, by the hands of the aforeiaid now Abbot of H. and all his Predecessors aforesaid, his Farmers or Occupiers of his Mannor of S: aforesaid in the County aforesaid, or his Ministers there in form aforefaid, for the time being, to the use of the said Lord the King, to receive

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ceive, and thereof as parcell of the great Farme, or of the forty pounds to the County storelaid before the Barons of the Excheques of the faid Lord the King, and his progenitors aforefaid, accountable yearely at the laid Exchequer to the faid Lord the King, by, the Barons sforefaid yearely to be charged: And for default of such payment of the fame Rent, by the aforefaid now Abbot or his-predeceffors, &c. For the time being in form aforefaid to be made, the aforefaid late Sheriff and all his Predeceffors aforefaid, fo for the time being, were used by the whole time aforelaid, to diffrain the aforelaid now Abbet and his Predecessors, &c. for the time being for the Rent aforesaid, in form aforelaid being behind, and every parcell thereof, in the aforelaid Mannor of Si whereof the aforefaid twenty acres of Land, are and by the whole time aforesaid were parcell: And in all other Lands of him the faid Abbat and his Predecessors, within the Rape of Leia. in the County aforefaid, and the fame Rent lo being behinde from the faid Abbet and his Predeceffors aforefaid, fo for the time being by diftreffe in the fame Minnor and Lands aforefaid by the fame late Sheriff and his Predecessors aforesaid, so for the time being to be taken and levied, and the account thereof at the faid exchequer, yearly to the fame Lord the King & his Progenitors aforefaid, in form aforefaid to be rendred, and thereof to the fame Lord the King and his Progenitors aforefaid, at the same account, by the Barons aforefaid, in form sforefaid to be charged. And the same T. further faith, That the aforelaid now Abbet thirteen shillings and foure pence, parcell of the aforelaid Rent, fix and twenty fhillings and eight pence, at the Sheriffs Tuen holden at B. aforelaid, the twentyeth day of Aprill, in the fourth years of the Raign of the faid now Lord the King, before the same T. then Sheriff of the County aforesaid, to the laid Lord the Ming now due, and to him then to be paid : And also thirteen shillings and foure pence, refidue of the aforefald Rent of fix and twenty thillings and eight pence, at the Sheriffs Turn holden there, the third day of Ottober then next following, before the fame T. then Sheriff of the fame County, to the faid Lord the King now due, andtohim the then Sheriff to be paid, to the fame T. then Sheriff did not pay . Which faid severall Sum of thirteen shillings and foure pence, on the faid twentyeth day of A. and the third day of O. in form aforefaid to be paid, and being behinde in form aforefaid, do amount tothe aforefaid fix and twenty shillings and eight pence; for which faid fix and twenty shillings and eight pence so being behinde, the said T: Sheriff of the faid County of S. the faid time in which, &c. in the aforesaid twenty acres of Land being open, the said time in which, e. did enter, and the faid foure Cowes in the fame twenty acres of Land then being, then and there did take them, and them detain in the name of diffresse, for the aforesaid twenty fix shillings and eight pence, in form aforesaid being behinde. And afterwards the same T. with

with the aforesaid Lord the King at Westminster, at the Exchequer aforefaid, before R. H. and his Affociares, Barons of the fame Exchequer, in eight dayes of Saint Hillary, in the faid fifth yeare of the faid now Lord the King, at the account of the faid then Sheriff between the same Lord the King and the aforesaid T. then Sheriff of the Issues of his Bayliwick, of the same County assigned to be heard. did account, and thereof the fame Sum of twenty fix faillings and eight pence, as parceli of the great Farm of the forty pounds aforefaid. there at the same account, to the same Lord the King, by the Barons aforefaid being charged: And this he is ready to aver, whereupon he doth not expect that the Justices of the Lord the King here, to the faid Lord the King thereof unadvised, will further in the Plea aforefaid proceed: And prayeth ayde of him the faid Lord the King, &c. And he hath, &c. And hereupon day is given to the Parties aforesaid. before the faid Lord the King, untill, &c. wherefoever, &c. And it is faid to the faid Abbot, in the mean time at his Perill he profecute the faid now Lord the King, &c. At which faid fifteen dayes, before the faid Lord the King at W. came as well the faid A. as the faid T. by their Attorneys aforefaid : And the faid Lord the King commanded to his Justices here his Writ close in these words.

Edward by the grace of God, &c. (as in the Writ of Procedendo. notwithstanding ayde Verbatim) Whereupon the same T. as to the said refidue of the Trespaffe aforesaid supposed to be done, he saith, That the aforesaid Abbot his Action aforesaid against him to have ought not because as before, he saith, That the place in which it is supposed the Treshaffe aforesaid to be done, &c. (as in the Plea above) And this

be is ready to aver, &c.

And the aforefaid Abbot faith, That he ought not to be barred because he saith, That the now Lord the King and all his Progenitors Kings of England, from the whole time aforefaid, in which the memory of men is not extant, were not feized of the aforesaid yearly Rent of twenty fix fhillings and eight pence, nor of any parcell thereof, in the form in which the faid T. hath above by pleading alledged : And this he is ready to aver &c. whereupon out of which, &c. he prayeth Judgment and Damages, &c. And the aforesaid T. faith, That the aforefaid now Lord the King, De. (on the contrary) in form in which the fame T. hath above by pleading alledged : And of this, or. Therefore twelve, &c.

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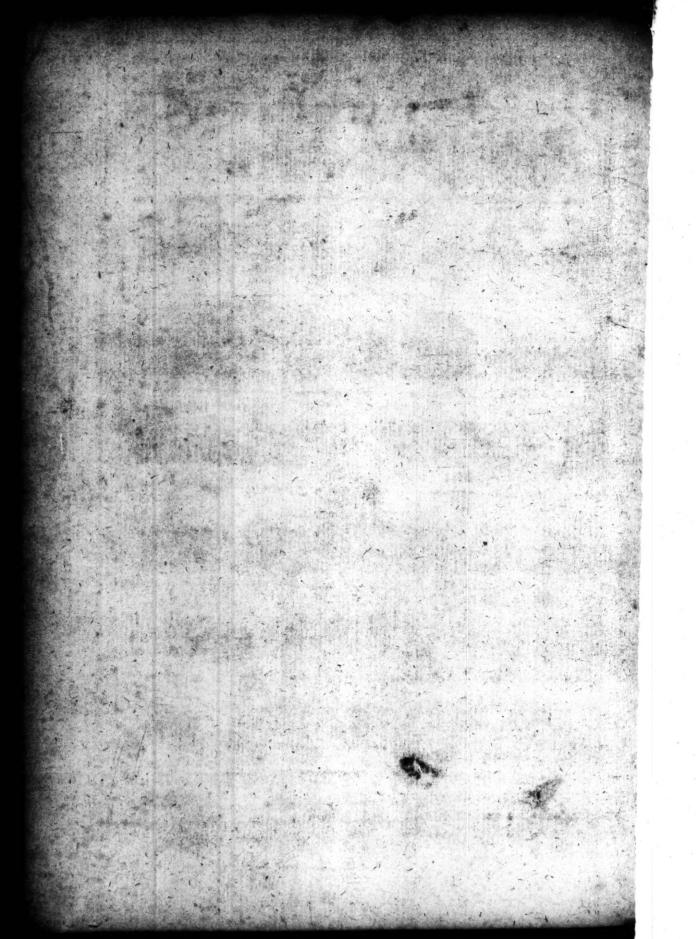
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